



MINUTES OF THE MARCH 6 AND 7, 2023
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Monday, March 6, 2023

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, for a public meeting, with the following members present:

Shawn Wilt, RPh, *Presiding*; Trina Buettner, RPh, *Vice President*; Mindy Ferris, RPh; Jason George, RPh; Victor Goodman, *Public Member*; TJ Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christine Pfaff, RPh.

Also present were Steven Schierholt, *Executive Director*; Sharon Maerten-Moore, *Chief Legal Counsel*; Michelle Bohan, *Associate Legal Counsel*; Joe Koltak, *Senior Legal Counsel*; Zoe Saadey, *Senior Legal Counsel*; and Kathryn Lewis, *Legal Administrator*.

10:04 a.m. The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **Hussein Zein El-Khatib, RPh, Northville, MI.**

R-2023-0283 Ms. Buettner 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. Ferris and a roll-call vote was conducted by *President Wilt* as follows: Buettner-yes; Ferris-yes; George-yes; Goodman-yes; Grimm-yes; Huston-yes; Miller-yes; and Pfaff-yes.

12:55 p.m. The deliberation ended and the hearing was opened to the public.

R-2023-0284 After votes were taken in public session, the Board adopted the following order in the Matter of **Hussein Zein El-Khatib, RPh, Northville, MI.**

ORDER OF THE STATE BOARD OF PHARMACY

Case Number A-2022-0513

In The Matter Of:

**Hussein Zein El-Khatib, RPh
17919 Crestbrook Dr.
Northville, MI 48168
License No. 03-230760**

INTRODUCTION

The Matter of Hussein Zein El-Khatib came for hearing on March 6, 2023, before the following members of the State of Ohio Board of Pharmacy (Board): Shawn Wilt, RPh, *Presiding*; Trina Buettner, RPh, Vice President; Mindy Ferris, RPh; Jason George, RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christine Pfaff, RPh.

Hussein Zein El-Khatib was represented by Todd Collis. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE**State's Witnesses:**

1. None

Respondent's Witnesses:

1. Hussein Zein El-Khatib

State's Exhibits:

1. Notice Letter
2. Request for Hearing
3. Initial Scheduling Letter
4. Current Scheduling Order
5. Inspection Report (Sylvania Road)
6. Inspection Report (Main St.)
7. Statement of Amer Mantash
8. Statement of Jabra Kamoua

9. Order Forms

10. Order Forms

Respondent's Exhibits:

- A. Resume of Hussein Zein El-Khatib, RPh Resume
- B. State of Michigan Registered Pharmacist License report of Hussein Zein El-Khatib, RPh
- C. State of Ohio Registered Pharmacist License report of Hussein Zein El-Khatib, RPh
- D. Toledo Family Pharmacy, Inc. Ohio Certificate and Articles of Incorporation
- E. Westgate Family Pharmacy, Inc. Ohio Certificate and Articles of Incorporation
- F. Toledo LTC, LLC dba Toledo Family Pharmacy LTC Ohio Certificate and Articles of Organization and tradename registration
- G. Dundee Family Pharmacy Michigan Certificate of Organization
- H. The Pillbox Pharmacy, LLC Ohio Certificate and Articles of Organization
- I. McKesson 2019 Operational Innovation Award to Toledo Family Pharmacy
- J. Georges Jabaly, MD medical records of Hussein Zein El-Khatib, RPh
- K. Mounir El-Khatib MD medical records of Hussein Zein El-Khatib, RPh
- L. Cedar Rehab Center confirmation of treatment of Hussein Zein El-Khatib, dated September 28, 2022
- M. Nadeem Mogul, MD medical records of Hussein Zein El-Khatib, RPh
- N. Beachside Detox treatment records of Hussein Zein El-Khatib, RPh
- O. Pharmsolve, LLC Ohio Certificate and Articles of Organization
- P. Pharmsolve, LLC services website printoff (www.pharmsolve.com)
- Q. Self Report by Hussein Zein El-Khatib, RPh to the Michigan Board of Pharmacy, dated October 14, 2022
- R. BrightView Maumee Assessment of Hussein Zein El-Khatib, RPh, dated September 30, 2022

- S. Ohio Professionals Health Program Screening Recommendations, dated December 6, 2022
- T. Ohio Professionals Health Program Confidential Monitoring Agreement, dated December 9, 2022
- U. Meeting Logs
- V. Spectrum Compliance screens of Hussein Zein El-Khatib, RPh performed for Ohio Professionals Health Program, dated 11/16/22 – 1/12/23
- W. Ohio Professionals Health Program correspondence, dated January 30, 2023
- X. Fully-executed Ohio Pharmacists Rehabilitation Organization, Inc. Pharmacist's Treatment Contract, dated February 27, 2023
- Y. Glenbeigh Enrollment correspondence, dated February 23, 2023, and Glenbeigh_Assessment of Hussein Zein El-Khatib, dated February 13, 2023
- Z. Letter of Support from Ali Almawla, RPh, dated January 31, 2023
- AA. Letter of Support from Lilly Ariss-Shehab, dated January 31, 2023
- BB. Letter of Support from Abdul Hassan El-Khatib, RPh, dated January 31, 2023
- CC. 2017 McKesson Pharmacy of the Year

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 adopts the stipulations of the parties and finds the following to be fact:

1. On or about May 24, 2022, agents of the Board conducted an inspection at Toledo Family Pharmacy, located at 1601 W. Sylvania Avenue, Toledo, Ohio and Toledo Family Pharmacy, located at 324 Main Street, Toledo, Ohio. Hussein Zein El-Khatib was the owner of both pharmacies since they began operating.
 - a. Upon arriving at Toledo Pharmacy (W. Sylvania), agents discovered all Ketamine that had been ordered by the pharmacy was missing and there were no records of dispensing or destruction.

- b. Agents of the Board obtained the pharmacy's wholesale purchase records that included Ketamine. The records showed that Ketamine had been ordered by the pharmacy at wholesale a total of 23 times from on or about August 31, 2021 to on or about February 21, 2022. Hussein Zein El-Khatib created, signed, and provided to pharmacy staff fraudulent invoices to account for 23 purchases of Ketamine vials in various strengths.
2. On or about May 24, 2022, agents of the Board conducted an inspection at Toledo Family Pharmacy, located at 324 Main Street, Toledo, Ohio. Agents of the Board obtained the pharmacy's wholesale purchase records that included Ketamine. The records showed that Ketamine had been ordered by the pharmacy at wholesale a total of 14 times from on or about June 8, 2020 to on or about November 11, 2020. Hussein Zein El-Khatib created, signed, and provided to pharmacy staff fraudulent invoices to account for 23 purchases of Ketamine vials in various strengths.
3. A review of Ketamine wholesale records from both Toledo Family Pharmacies indicates Hussein Zein El-Khatib ordered the following amounts of Ketamine at wholesale, for personal use, from on or about August 2020 to on or about February 2022:
 - a. 16 10 mL vials (160mL) of Ketamine/Ketalar 10 MG/1 ML
 - b. 18 10 mL vials (180mL) of Ketamine/Ketalar 50 MG/1 ML
 - c. 16 10 mL vials (160mL) of Ketamine/Ketalar 100 MG/1 ML
4. On or about September 1, 2022, Hussein Zein El-Khatib was interviewed by agents of the Board. Hussein Zein El-Khatib stated the following:
 - a. He ordered the boxes of Ketamine through the McKesson website. He had access to make these purchases as a pharmacist and owner of the pharmacy.
 - b. The Ketamine boxes were not ordered for anyone; he was self-medicating with the medications. He was legally ordering [the Ketamine], signing the invoices, misleading the pharmacists at the pharmacy, and providing them with invoices that did not exist.
 - c. Upon delivery, he would pick up the Ketamine personally from the pharmacies.
 - d. He became addicted to opioids in 2016, after a boating accident, for which he was prescribed Percocet 5-325mg and Norco 10-325mg.

- e. In 2019, he admitted himself into a detox facility in Lebanon. He was there for 45 days and got clean. The facility wanted him to stay an additional six months for treatment, but he refused.
- f. He was referred to a Ketamine clinic in Ohio. He began receiving Ketamine infusions twice per week.
- g. He started ordering Ketamine boxes and was self-medicating. This went on for a year. "Now [he was] in the same cycle. [He was] addicted to Ketamine."
- h. He last used Ketamine in February 2022. He admitted himself into a detox rehab facility. He left the treatment facility because they were not what they advertised.

CONCLUSIONS OF LAW

- 1. Such conduct as set forth in the Findings of Fact, constitutes a violation of Section 2913.02 of the ORC, theft of a dangerous drug (Schedule III controlled substance).
- 2. Such conduct as set forth in the Findings of Fact, constitutes a violation of Section 2925.11(A) of the ORC, possession of a Schedule III controlled substance.
- 3. Such conduct as set forth in the Findings of Fact, constitutes a violation of Section 2925.23 of the ORC, illegal processing of drug documents.
- 4. Such conduct as set forth in the Findings of Fact, constitutes a violation of Section 2925.22 of the ORC, deception to obtain dangerous drugs.
- 5. Such conduct as set forth in the Findings of Fact, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of October 9, 2021:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and/or
 - b. Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, ORC Section 4729.16(A)(2)(c); and/or
 - c. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 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); and/or
- d. Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(l).
6. Such conduct as set forth in the Findings of Fact, each constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective March 20, 2020:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, OAC Rule 4729:1-4-01(B)(2)(b); and/or
 - b. Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, OAC Rule 4729:1-4-01(B)(2)(c); and/or
 - c. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925., 3796., 3719. or 4752. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729:1-4-01(B)(2)(e); and/or
 - d. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired vehicle registration, OAC Rule 4729:1-4-01(B)(2)(m); and/or
 - e. Failed to conform to prevailing standards of care of similar pharmacists under the same or similar circumstances, whether or not actual injury to a patient is established, OAC Rule 4729:1-4-01(B)(2)(p).

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 Hussein Zein El-Khatib on September 14, 2022.

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 license no. 03-230760, held by Hussein Zein El-Khatib and such suspension is effective as of the date of the mailing of this Order.

Hussein Zein El-Khatib, pursuant to Rule 4729:1-1-01(T) 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 and/or medical marijuana during such period of suspension.

Hussein Zein El-Khatib must satisfactorily complete the intensive outpatient treatment at Glenbeigh Center of Rocky River, in which he is currently enrolled.

Further, after two years from the effective date of the summary suspension (September 14, 2022), the Board will consider any petition filed by Hussein Zein El-Khatib 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. Hussein Zein El-Khatib must maintain a current address with the Board throughout the duration of the suspension.
2. Hussein Zein El-Khatib must enter into and adhere to the terms of a new contract, signed within thirty days after the effective date of this Order, with a Board approved treatment monitor for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Hussein Zein El-Khatib should also submit to the Board documentation demonstrating compliance with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider, if applicable. Failure to adhere to the terms of the treatment contract and/or monitoring contract will be considered a violation of the Board's Order and subject Hussein Zein El-Khatib to potential sanctions up to and including revocation of license. The monitoring 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 Hussein Zein El-Khatib 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. Hussein Zein El-Khatib must meet the daily check-in requirements of the testing center or check-in requirements as otherwise proscribed by the treatment monitor.
 - g. 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.
 - h. 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.
 - i. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
3. Hussein Zein El-Khatib 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 Hussein Zein El-Khatib reappear before the Board for possible additional sanctions, including and up to revocation of license.
 4. Hussein Zein El-Khatib 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 Hussein Zein El-Khatib reappear before the Board for possible additional sanctions, including and up to revocation of license.
 5. Hussein Zein El-Khatib 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 Hussein Zein El-Khatib to possible additional sanctions, including and up to revocation of license.

6. Hussein Zein El-Khatib must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
7. Hussein Zein El-Khatib 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 4729:1-5-02 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
 - c. Compliance with the terms of this Order.
8. If reinstatement is not accomplished within three years of the effective date of the summary suspension, Hussein Zein El-Khatib must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) and the Multistate Pharmacy Jurisprudence Exam (MPJE), or an equivalent examination(s) approved by the Board.
9. Hussein Zein El-Khatib must provide continuing authorization for disclosure by the monitor and treatment provider (when applicable) to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for those individuals to fulfill their duties.
10. When deemed appropriate by the Board, Hussein Zein El-Khatib must submit to a psychiatric evaluation, and, where appropriate, continued treatment acceptable to the Board.
11. Hussein Zein El-Khatib must obtain prior approval of the board or the board's probation committee of departures or absences in excess of ten days from the country. Periods of departure or absence shall not change the probationary term, unless otherwise determined by motion of the board or the board's probation committee. For absences of three months or longer, the board or its probation committee may toll the length of suspension, other than in instances where the board or its probation committee can be assured that monitoring is otherwise being performed.

12. Violation of any term of suspension, including but not limited to any violation of the contract signed with the treatment monitor and/or ODMHAS or other approved treatment provider may result in additional action before the Board up to and including revocation of your pharmacy license.
13. Any violation of Chapters 2925., 3715., 3719., 4729., of the Ohio Revised Code, any administrative code violation or a violation of any other state, federal, or local 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.
14. Periods during which Hussein Zein El-Khatib is not in compliance with all terms of suspension shall toll the length of time of suspension during which Hussein Zein El-Khatib was out of compliance. The minimum length of time each violation will toll the suspension term is available on the Board's website, www.pharmacy.ohio.gov. The Board may implement additional disciplinary action in addition to or instead of tolling suspension.
15. If Hussein Zein El-Khatib's employment is related to the practice of pharmacy, Hussein Zein El-Khatib must provide copies of the board order or settlement agreement to all employers or prospective employers, all licensing authorities in which Hussein Zein El-Khatib holds a professional license or applies for a professional license, all persons who provide Hussein Zein El-Khatib chemical dependency treatment monitoring, and law enforcement and court personnel if Hussein Zein El-Khatib has court involvement, such as ILC, drug court or diversion, related the suspension, during the effective period of this order or agreement.
16. 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, may result in the Board issuing a notice of opportunity for hearing to consider additional disciplinary action, including and up to revocation of Hussein Zein El-Khatib's license.

Further, the Board hereby grants the parties' 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: J, K, L, M, N, R, S, T, U, V, W, X and Y.

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

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

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

SO ORDERED.

12:58 p.m.

The Board heard the Oral Address for a Pharmacy Technician Trainee in the Matter of **David Vance (A-2022-0199)**.

R-2023-0285

Ms. Buettner 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. The motion was seconded by Ms. Ferris and a roll-call vote was conducted *President Wilt* as follows: Buettner-yes; Ferris-yes; George-yes; Goodman-yes; Grimm-yes; Huston-yes, Miller-yes; and Pfaff-yes.

3:15 p.m.

The Board adjourned for the day.

Tuesday, February 7, 2023

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, for a public meeting, which was also broadcast via Microsoft Teams audio/visual conference call, with the following members present:

Shawn Wilt, RPh, *Presiding*; Trina Buettner, RPh, *Vice President*; Mindy Ferris, RPh; Jason George, RPh; Victor Goodman, *Public Member*; TJ Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christine Pfaff, RPh.

Also present were Steven Schierholt, *Executive Director*; Sharon Maerten-Moore, *Chief Legal Counsel*; Joe Koltak, *Senior Legal Counsel*; Darcy Moulin, *Senior Legal Counsel*; Zoe Saadey, *Senior Legal Counsel*; and Kathryn Lewis, *Legal Administrator*.

9:02 a.m. Mr. McNamee provided the Legislative Report.

9:07 a.m. Mr. McNamee presented rule 4729:1-3-02 - Immunization administration.

R-2023-0286 Mr. Huston moved that the Board approve rule 4729:1-3-02 - Immunization administration for filing with CSI and JCARR. The motion was seconded by Ms. Ferris and approved by the Board: Yes-8, No-0.

9:09 a.m. Mr. McNamee presented a resolution titled *Reporting of MOUD to OARRS by Hospitals Under the EASY MAT Act* to the Board for consideration.

R-2023-0287 Mr. Grimm moved that the Board approve the resolution. The motion was seconded by Mr. George and approved by the Board: Yes-8, No-0. The following resolution was adopted by the Board:

To allow for the swift implementation of the EASY MAT Act, which allows a practitioner to administer up to a three-day supply of narcotic drugs to an individual at one time for purposes of relieving acute withdrawal symptoms while the individual awaits arrangements for narcotic treatment, the State of Ohio Board of Pharmacy hereby temporarily waives the reporting requirements under 4729.77 and 4729.79 of the Ohio Revised Code. This resolution shall only apply to hospitals that provide MOUD in accordance with EASY MAT Act

9:13 a.m. Mr. Schierholt provided the Executive Director Report.

9:14 a.m. Mr. Cathcart provided the Medical Marijuana Report.

- R-2023-0288** Mr. George moved that the Board grant a Provisional Dispensary License to GreenBud LLC, Parcel No. 02-02-003-102-089, Lorain, 44053 (Application #YN299) in Northeast 1. The motion was seconded by Ms. Buettner and approved by the Board: Yes-7, No-0, Abstain-1 (Mr. Goodman).
- R-2023-0289** Mr. George moved that the Board grant a Provisional Dispensary License to Cannavitz Ventures LLC, 13501 Lakewood Heights Blvd., Cleveland, 44107 (Application #SQ943) in Northeast 2. The motion was seconded by Ms. Buettner and approved by the Board: Yes-7, No-0, Abstain-1 (Mr. Goodman).
- R-2023-0290** Mr. George moved that the Board grant a Provisional Dispensary License to Healing Through Cannabis, 2140 E. Main St., Springfield, 45503 (Application #FU462) in Southwest 8. The motion was seconded by Ms. Buettner and approved by the Board: Yes-7, No-0, Abstain-1 (Mr. Goodman).
- 9:20 a.m.** Mr. Garner provided the OARRS Report.
- 9:26 a.m.** Mr. Griffin provided the Compliance and Enforcement Report.
- 9:29 a.m.** Mr. Miller left the Board Meeting for a short time.
- 9:32 a.m.** Ms. Maerten-Moore provided the Legal Report.
- 9:34 a.m.** Ms. Southard provided the Licensing Report.
- 9:39 a.m.** Ms. Southard presented a Pharmacy Technician Trainee Extension Request from Zahiyah Muhammad – Willoughby Hills, OH (09114648) to the Board for consideration.
- R-2023-0291** Ms. Ferris moved that the Board grant Zahiyah Muhammad a one (1) year extension. The motion was seconded by Mr. Huston and approved by the Board: Yes-7, No-0
- 9:41 a.m.** Ms. Southard presented a Military Training Continuing Education Request from Robert Brutcher – Point of Rocks, MD (03226128) to the Board for consideration.
- R-2023-0292** Mr. Grimm moved that the Board approve twenty-six (26) hours of Robert Brutcher's military training to be applied towards his CEU requirements. The motion was seconded by Mr. George and approved by the Board: Yes-7, No-0.
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- R-2023-0293** Mr. Wilt announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. A-2022-0571**

Gregory Garner
License No. 03-318536
4810 Squire Drive
Sagamore Hills, Ohio 44067

**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 Gregory Garner, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of an error in dispensing. Together, the Board and Gregory Garner are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Gregory Garner is a licensed pharmacist in the state of Ohio under license number 03-318536.

FACTS

1. The Board initiated an investigation of Gregory Garner, pharmacist license number 03-318536, and CVS Pharmacy #4351, related to an error in dispensing.
2. On or about January 11, 2023, the Board sent a Notice of Opportunity for Hearing to Gregory Garner, 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. Gregory Garner neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated January 11, 2023; 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. Gregory Garner agrees to pay to the Board a monetary penalty in the amount of \$500.00. This fine will be attached to Gregory Garner's license record and must be paid no later than 180 days from the effective date of this Agreement. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
4. Gregory Garner must obtain six hours of approved continuing pharmacy education (0.6 CEUs) which may not also be used for license renewal. The 0.6 CEUs must be completed within six months from the effective date of this Agreement. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. The Board hereby imposes a written reprimand on Gregory Garner's pharmacist license, number 03-318536.
6. Gregory Garner agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Gregory Garner understands that he has the right to be represented by counsel for review and execution of this agreement.
8. Gregory Garner agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
9. Gregory Garner waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and 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.
13. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
14. This Agreement shall become effective upon the date of the Board President's signature below.

R-2023-0294

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

**IN THE MATTER OF:
Case No. A-2022-0157**

**Katherine Elizabeth Pummell
Registration No. 09-300267
22 Kyle Dr
Wapakoneta, Ohio 45895**

**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 Katherine Elizabeth Pummell for the purpose of resolving all issues between the parties relating to the Board investigation of working at Schwieterman's Drug Store, Inc., located at 1302 Defiance Street, Wapakoneta, Ohio, without a valid registration as a certified pharmacy technician. Together, the Board and Katherine Elizabeth Pummell are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.96 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Sections 4729.90 and 4729.92 of the Ohio Revised Code to perform the duties of a certified pharmacy technician in the state of Ohio.

2. Katherine Elizabeth Pummell is a certified pharmacy technician in the state of Ohio under registration number 09-300267.

FACTS

1. The Board initiated an investigation of Katherine Elizabeth Pummell, certified pharmacy technician registration number 09-300267, related to Katherine Elizabeth Pummell's working as a certified pharmacy technician at Schwieterman's Drug Store, Inc., without maintaining a valid registration as a pharmacy technician.
2. On or about January 27, 2023, the Board sent a Notice of Opportunity for Hearing to Katherine Elizabeth Pummell 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 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. Katherine Elizabeth Pummell neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated January 27, 2023; 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. Katherine Elizabeth Pummell agrees to pay to the OSBP the amount of amount of \$100. This fine will be attached to the registration record and must be paid no later than 180 days from the effective date of this Order. To pay this fine, login to www.license.ohio.gov and process the items in the cart.
4. The Board hereby imposes a written reprimand on Katherine Elizabeth Pummell's technician registration, number 09-300267.
5. Katherine Elizabeth Pummell agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

6. Katherine Elizabeth Pummell understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Katherine Elizabeth Pummell agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Katherine Elizabeth Pummell waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2023-0296

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

**IN THE MATTER OF:
CASE No. A-2021-0571
I-2020-1869**

NDC Homecare, LLC DBA Wolf Medical Supply

License No. 01-30000039
c/o Jason Solomon

13951 NW 8th Street
Sunrise, FL 33325

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 NDC Homecare, LLC DBA Wolf Medical Supply (NDC Homecare, LLC) for the purpose of resolving all issues between the parties relating to the Board investigation of sales of dangerous drugs unlicensed entities. Together, the Board and NDC Homecare are referred to hereinafter as “the parties.”

JURISDICTION

1. Pursuant to Section 4729.56 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Section 4729.52 of the Ohio Revised Code.
2. NDC Homecare, LLC is a licensed Wholesaler Distributor of Dangerous Drug, License No. 01-30000039, which lists Jason Solomon, as the Responsible Person.

FACTS

1. The Board initiated an investigation of NDC Homecare, LLC, Wholesaler Distributor of Dangerous Drugs License No. 01-30000039, related to NDC Homecare, LLC’s illegal sales of dangerous drugs to unlicensed entities.
2. On or about August 31, 2022, the Board sent a Notice of Opportunity for Hearing to NDC Homecare, LLC, 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.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative 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. NDC Homecare, LLC neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 31, 2022; 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. NDC Homecare, LLC agrees to pay to the Board a monetary penalty in the amount of \$450.00. This fine will be attached to your license record and must be paid no later than 180 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. The Board hereby imposes a written reprimand on NDC Homecare, LLC's WDDD license, number 01-30000039.
5. NDC Homecare, LLC 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.
6. NDC Homecare, LLC agrees to comply with all federal and state requirements related to Wholesale Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by NDC Homecare, LLC 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 NDC Homecare, LLC by the Board and will NOT discharge NDC Homecare, LLC from any obligation under the terms of this Agreement.
7. NDC Homecare, LLC agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. NDC Homecare, LLC understands that it has the right to be represented by counsel for review and execution of this agreement.
9. 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 NDC Homecare, LLC will operate.
10. NDC Homecare, LLC waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and 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.
 14. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
 15. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2023-0297

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

**IN THE MATTER OF:
CASE NO. A-2021-0541**

**Rite Aid #3163
License No. 02-0184900**
c/o Jermaine Smith, VP of Regulatory Affairs
21800 Libby Road
Maple heights, Ohio 44137

**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 Rite Aid #3163 for the purpose of resolving all issues between the parties relating to the Board investigation of drug security. Together, the Board and Rite Aid #3163 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, restrict, limit or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Rite Aid #3163 is a licensed Terminal Distributor of Dangerous Drugs under license number 02-0184900.

FACTS

1. The Board initiated an investigation of Rite Aid #3163, Terminal Distributor of Dangerous Drugs license number 02-0184900, related to Rite Aid #3163's drug security.
2. On or about October 6, 2022 the Board sent a Notice of Opportunity for Hearing to Rite Aid #3163, 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 17, 2022, Rite Aid #3163, timely requested an administrative hearing. Settlement was reached prior to hearing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative 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. Rite Aid #3163 neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated October 6, 2023; 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. Rite Aid #3163 agrees to pay to the Board a monetary penalty the amount of \$5,000. This fine will be attached to your license record and must be paid no later than 180 days from the effective date of this Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. The Board hereby imposes a written reprimand on Rite Aid #3163's TDDD license, number 02-0184900.
5. Rite Aid #3163 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.

6. Rite Aid #3163 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 Rite Aid #3163 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 Rite Aid #3163 by the Board and will NOT discharge Rite Aid #3163 from any obligation under the terms of this Agreement.
7. Rite Aid #3163 agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Rite Aid #3163 understands that it has the right to be represented by counsel for review and execution of this agreement.
9. 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 Rite Aid #3163 will operate.
10. Rite Aid #3163 explicitly withdraws its request for a hearing, waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and 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.
14. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.

15. This Agreement shall become effective upon the date of the Board President's signature below.

R-2023-0298

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

IN THE MATTER OF:
Case No. A-2022-0550
Rosalyn Pasco
aka Rosalyn Zifzal

Registration No. 09-112879
497 Liberty Street
Dillonvale, Ohio 43917

**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 Rosalyn Pasco for the purpose of resolving all issues between the parties relating to the Board investigation of working at Dillonvale Pharmacy, located at 74 Main Street, Dillonvale, Ohio, without a valid registration as a pharmacy technician trainee. Together, the Board and Rosalyn Pasco are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.96 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Sections 4729.90 and 4729.92 of the Ohio Revised Code to perform the duties of a pharmacy technician trainee in the state of Ohio.
2. Rosalyn Pasco is a pharmacy technician trainee in the state of Ohio under registration number 09-112879.

FACTS

1. The Board initiated an investigation of Rosalyn Pasco, pharmacy technician trainee registration number 09-112879, related to

Rosalyn Pasco's working as a pharmacy technician trainee at Dillonvale Pharmacy without maintaining a valid registration as a pharmacy technician trainee.

2. On or about February 8, 2023, the Board sent a Notice of Opportunity for Hearing to Rosalyn Pasco 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 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. Rosalyn Pasco neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated February 8, 2023; 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. Rosalyn Pasco agrees to pay to the OSBP the amount of amount of \$25. This fine will be attached to the registration record and must be paid no later than 180 days from the effective date of this Order. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
4. The Board hereby imposes a written reprimand on Rosalyn Pasco's technician registration, number 09-112879.
5. Rosalyn Pasco agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Rosalyn Pasco understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Rosalyn Pasco agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.

8. Rosalyn Pasco waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2023-0299

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

**IN THE MATTER OF:
CASE NO. A-2022-0136**

**Discount Drug Mart #52
License No. 02-1012100**
c/o James McFadden, RPh
3015 North Wooster Avenue
Dover, OH 44622

**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 Discount Drug Mart #52 for the purpose of resolving all issues between the parties relating to the Board

investigation of an unregistered/unlicensed individual having access to controlled substances and subsequent theft from the pharmacy. Together, the Board and Discount Drug Mart #52 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, restrict, limit, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Discount Drug Mart #52 is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1012100.

FACTS

1. The Board initiated an investigation of Discount Drug Mart #52, Terminal Distributor of Dangerous Drugs license number 02-1012100, related to an unregistered/unlicensed individual having access to controlled substances and subsequent theft from the pharmacy.
2. On or about January 18, 2023 the Board sent a Notice of Opportunity for Hearing to Discount Drug Mart #52, 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.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative 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. Discount Drug Mart #52 neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 18, 2023; 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. Discount Drug Mart #52 agrees to pay to the Board a monetary penalty the amount of \$1,000.00 This fine will be attached to your

license record and must be paid no later than 180 days from the effective date of this Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.

4. The Board hereby imposes a written reprimand on Discount Drug Mart #52's TDDD license, number 02-1012100.
5. Discount Drug Mart #52 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.
6. Discount Drug Mart #52 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 Discount Drug Mart #52 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 Discount Drug Mart #52 by the Board and will NOT discharge Discount Drug Mart #52 from any obligation under the terms of this Agreement.
7. Discount Drug Mart #52 agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Discount Drug Mart #52 understands that it has the right to be represented by counsel for review and execution of this agreement.
9. 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 Discount Drug Mart #52 will operate.
10. Discount Drug Mart #52 explicitly withdraws its request for a hearing, waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and 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.
 14. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
 15. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2023-0300

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

**IN THE MATTER OF:
CASE NO. A-2021-0221**

**Rite Aid #2414
License No. 02-0154350**
c/o Jermaine Smith Vice President of Regulatory Affairs
735 N. Water Street
Uhrichsville, OH 44683

**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 Rite Aid #2414 for the purpose of resolving all issues between the parties relating to the Board investigation of drug security issues. Together, the Board and Rite Aid #2414 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, restrict, limit, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.

2. Rite Aid #2414 is a licensed Terminal Distributor of Dangerous Drugs under license number 02-0154350.

FACTS

1. The Board initiated an investigation of Rite Aid #2414, Terminal Distributor of Dangerous Drugs license number 02-0154350, related to drug security issues.
2. On or about January 18, 2023 the Board sent a Notice of Opportunity for Hearing to Rite Aid #2414, 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.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative 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. Rite Aid #2414 neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 18, 2023; 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. Rite Aid #2414 agrees to pay to the Board a monetary penalty the amount of \$7,000.00 This fine will be attached to your license record and must be paid no later than 180 days from the effective date of this Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. The Board hereby imposes a written reprimand on Rite Aid #2414's TDDD license, number 02-0154350.
5. Rite Aid #2414 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.

6. Rite Aid #2414 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 Rite Aid #2414 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 Rite Aid #2414 by the Board and will NOT discharge Rite Aid #2414 from any obligation under the terms of this Agreement.
7. Rite Aid #2414 agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Rite Aid #2414 understands that it has the right to be represented by counsel for review and execution of this agreement.
9. 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 Rite Aid #2414 will operate.
10. Rite Aid #2414 explicitly withdraws its request for a hearing, waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and 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.
14. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
15. This Agreement shall become effective upon the date of the Board President's signature below.

R-2023-0301

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

**IN THE MATTER OF:
CASE NO. A-2022-0258**

Northern Ohio Cryotherapy
Pending License No. APP-000571742
c/o Barry Zadeh, MD
461 Milan Ave.
Norwalk, OH 44857

**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 Northern Ohio Cryotherapy for the purpose of resolving all issues between the parties relating to the Board investigation of the purchasing, possessing, and compounding of dangerous drugs without a Board-issued license. Together, the Board and Northern Ohio Cryotherapy 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, restrict, limit or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Northern Ohio Cryotherapy has a pending application for a Terminal Distributor of Dangerous Drugs under application number APP-000571742.

FACTS

1. The Board initiated an investigation of Northern Ohio Cryotherapy, which now has a pending Terminal Distributor of Dangerous Drugs application under number APP-000571742, related to Northern Ohio Cryotherapy's purchasing, possessing, and compounding of dangerous drugs without a Board-issued license.

2. On or about October 31, 2022, the Board sent a Notice of Opportunity for Hearing/Proposal to Deny Application to Northern Ohio Cryotherapy, 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 November 21, 2022, Northern Ohio Cryotherapy, through counsel Allison N. Smith Newsome, timely requested an administrative hearing, which was subsequently scheduled for March 8, 2023.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative 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. Northern Ohio Cryotherapy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing/Proposal to Deny letter dated October 31, 2022; 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. Northern Ohio Cryotherapy agrees to pay to the Board a monetary penalty the amount of \$2,500.00. This fine will be attached to your application/license record and must be paid no later than 180 days from the effective date of this Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Northern Ohio Cryotherapy's application for licensure as a Terminal Distributor of Dangerous Drugs will be withdrawn upon payment of the fine.
5. The Board hereby imposes a written reprimand on Northern Ohio Cryotherapy's application for licensure as a TDDD, number APP-000571742.
6. Northern Ohio Cryotherapy 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. Northern Ohio Cryotherapy 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 Northern Ohio Cryotherapy 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 Northern Ohio Cryotherapy by the Board and will NOT discharge Northern Ohio Cryotherapy from any obligation under the terms of this Agreement.
8. Northern Ohio Cryotherapy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
9. Northern Ohio Cryotherapy 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 Northern Ohio Cryotherapy will operate.
11. Northern Ohio Cryotherapy explicitly withdraws its request for a hearing, waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and 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.
15. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.

16. This Agreement shall become effective upon the date of the Board President's signature below.

R-2023-0302

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

**IN THE MATTER OF:
CASE NO. A-2022-0137**

James McFadden
License No. 03-227779
1203 North Wooster Avenue
Dover, OH 44622

**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 James McFadden, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of an unregistered/unlicensed individual having access to controlled substances and subsequent theft from the pharmacy while you were on duty and the responsible person. Together, the Board and James McFadden are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. James McFadden is a licensed pharmacist in the state of Ohio under license number 03-227779.
3. James McFadden is the Responsible Person of Discount Drug Mart #52, located at 3015 North Wooster Avenue, Dover, Ohio.

FACTS

1. The Board initiated an investigation of James McFadden, pharmacist license number 03-227779, and Discount Drug Mart #52, related to an unregistered/unlicensed individual having access to controlled

substances and subsequent theft from the pharmacy while you were on duty and the responsible person.

2. On or about January 18, 2023, the Board sent a Notice of Opportunity for Hearing to James McFadden, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
3. On or about January 26, 2023, James McFadden, timely requested an administrative hearing, which was subsequently scheduled for August 8, 2023.

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. James McFadden neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated January 18, 2023; 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. James McFadden agrees to pay to the Board a monetary penalty in the amount of \$500.00. This fine will be attached to James McFadden's license record and must be paid no later than 180 days from the effective date of this Order. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
4. James McFadden must obtain six hours of approved continuing pharmacy education (0.6 CEUs) which may not also be used for license renewal. The 0.6 CEUs must be completed within six months from the effective date of this agreement. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. The Board hereby imposes a written reprimand on James McFadden's pharmacist license, number 03-227779.
6. James McFadden agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

7. James McFadden understands that he has the right to be represented by counsel for review and execution of this agreement.
8. James McFadden agrees and acknowledges that this Board 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 Board on renewal applications or applications for a new license.
9. James McFadden explicitly withdraws his request for a hearing, waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and 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.
13. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
14. This Agreement shall become effective upon the date of the Board President's signature below.

R-2023-0303

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

**IN THE MATTER OF:
Case No. A-2022-0551**

Dillonvale Pharmacy
License No. 02-0164000
c/o Joseph Zelek, RPh
74 Main Street
Dillonvale, Ohio 43917

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 Dillonvale Pharmacy for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing duties of a pharmacy technician without maintaining appropriate registration with the Board. Together, the Board and Dillonvale Pharmacy 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, restrict, limit, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Dillonvale Pharmacy has an active TDDD license with the Board under license number 02-0164000, which lists Joseph Zelek, RPh, as the Responsible Person.

FACTS

1. The Board initiated an investigation of Dillonvale Pharmacy, TDDD license number 02-0164000, related to an employee performing duties of a pharmacy technician without maintaining appropriate registration with the Board.
2. On or about January 30, 2023, the Board sent a Notice of Opportunity for Hearing to Dillonvale Pharmacy, 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.

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. Dillonvale Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 30, 2023; 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. Dillonvale Pharmacy agrees to pay to the Board a monetary penalty the amount of \$1,000. This fine will be attached to Dillonvale Pharmacy's license record and must be paid no later than 180 days from the effective date of this Order. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
4. The Board hereby imposes a written reprimand on Dillonvale's TDDD license, number 02-0164000.
5. Dillonvale Pharmacy 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.
6. Dillonvale Pharmacy 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 Dillonvale Pharmacy 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 Dillonvale Pharmacy by the Board and will NOT discharge Dillonvale Pharmacy from any obligation under the terms of this Agreement.
7. Dillonvale Pharmacy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Dillonvale Pharmacy understands that it has the right to be represented by counsel for review and execution of this agreement.
9. 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 Dillonvale Pharmacy will operate.
10. Dillonvale Pharmacy waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to 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.
 14. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
 15. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2023-0304

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

**IN THE MATTER OF:
Case No. A-2023-0066**

Jacob Burkey
Registration No. 09-120269
3740 Township Road 161
Marengo, OH 43334

**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 Jacob Burkey, for the purpose of resolving all issues between the parties relating to Jacob Burkey's January 6, 2023 self-report of a conviction for Importuning, a felony of the fifth degree. Together, the Board and Jacob Burkey are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.96 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 Sections 4729.90 of the Ohio Revised Code to perform the duties of a pharmacy technician trainee in the state of Ohio.
2. Jacob Burkey is an Ohio-registered pharmacy technician trainee under registration number 09-120269.

FACTS

1. The Board initiated an investigation of Jacob Burkey, pharmacy technician trainee, registration number 09-120269, related to Jacob Burkey's January 6, 2023 self-report of a conviction for Importuning, a felony of the fifth degree.

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

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein 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. **JACOB BURKEY PERMANENTLY AND VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HIS REGISTRATION AS A PHARMACY TECHNICIAN TRAINEE, REGISTRATION NO. 09-120269, WITH DISCIPLINE PENDING.**
3. **The Board agrees to not take any further disciplinary action or institute additional administrative proceedings against Jacob Burkey's registration.**
4. **Jacob Burkey agrees to never reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code.**
5. Jacob Burkey agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

6. Jacob Burkey understands that he has the right to be represented by counsel for review and execution of this agreement.
 7. Jacob Burkey agrees and acknowledges that this Board 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 Board on renewal applications or applications for a new license.
 8. Jacob Burkey waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and specifically withdraws his request for a hearing in this matter and waives any right to an appeal.
 9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 12. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2023-0305

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

**IN THE MATTER OF:
Case No. A-2023-0088**

Teather Cornette
SUSPENDED Registration No. 09-127033
3541 Clearwater Drive
Columbus, OH 43232

**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 Teather Cornette, for the purpose of resolving all issues between the parties relating to the theft of controlled substances from her employer, Walgreens #06981, located at 1280 Demorest Road, Columbus, Ohio. Together, the Board and Teather Cornette are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.96 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 Sections 4729.90 of the Ohio Revised Code to perform the duties of a registered pharmacy technician in the state of Ohio.
2. Teather Cornette is an Ohio pharmacy technician trainee under registration number 09-127033.

FACTS

1. The Board initiated an investigation of Teather Cornette, pharmacy technician trainee, registration number 09-127033, related to Teather Cornette's theft of controlled substances from her employer, Walgreens #06981, located at 1280 Demorest Road, Columbus, Ohio.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings. Any criminal proceedings resulting from this investigation are not affected by this Agreement.

TERMS

NOW WHEREFORE, in consideration of the mutual promises wherein 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. **TEATHER CORNETTE PERMANENTLY AND VOLUNTARILY SURRENDERS TO THE STATE OF OHIO BOARD OF PHARMACY HER REGISTRATION AS A PHARMACY TECHNICIAN TRAINEE, REGISTRATION NO. 09-127033, WITH DISCIPLINE PENDING.**
3. **The Board agrees to not take any further disciplinary action or institute additional administrative proceedings against Teather Cornette's registration.**
4. **Teather Cornette agrees to never reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code.**
5. Teather Cornette agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Teather Cornette understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Teather Cornette agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license or attempts to obtain one in the future.
8. Teather Cornette waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and specifically withdraws her request for a hearing in this matter and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 12. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2023-0306

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

**IN THE MATTER OF:
CASE NO. A-2020-0473**

Okuley's Pharmacy & Home Medical, Inc.
License No. 02-1184400
c/o Lauren Bosch, RPh
1201 E. Second Street
Defiance, OH 43512

**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 Okuley's Pharmacy & Home Medical, Inc. for the purpose of resolving all issues between the parties relating to the Board investigation of a technician performing pharmacy duties without a pharmacist present. Together, the Board and Okuley's Pharmacy & Home Medical, Inc. 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, restrict, limit, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.

2. Okuley's Pharmacy & Home Medical, Inc. is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1184400.

FACTS

1. The Board initiated an investigation of Okuley's Pharmacy & Home Medical, Inc., Terminal Distributor of Dangerous Drugs license number 02-1184400, related to a technician performing pharmacy duties without a pharmacist present.
2. On or about March 29, 2022 the Board sent a Notice of Opportunity for Hearing to Okuley's Pharmacy & Home Medical, Inc., 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 May 5, 2022, Okuley's Pharmacy & Home Medical, Inc., through counsel, Zachary Swisher, requested an administrative hearing, which was subsequently scheduled for March 8, 2023.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative 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. Okuley's Pharmacy & Home Medical, Inc. neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated March 29, 2022; 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. Okuley's Pharmacy & Home Medical, Inc. agrees to pay to the Board a monetary penalty the amount of \$2,000.00 This fine will be attached to your license record and must be paid no later than 180 days from the effective date of this Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. The Board hereby imposes a written reprimand on Okuley's Pharmacy & Home Medical, Inc.'s TDDD license, number 02-1184400.

5. Okuley's Pharmacy & Home Medical, Inc. 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.
6. Okuley's Pharmacy & Home Medical, Inc. 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 Okuley's Pharmacy & Home Medical, Inc. 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 Okuley's Pharmacy & Home Medical, Inc. by the Board and will NOT discharge Okuley's Pharmacy & Home Medical, Inc. from any obligation under the terms of this Agreement.
7. Okuley's Pharmacy & Home Medical, Inc. agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Okuley's Pharmacy & Home Medical, Inc. understands that it has the right to be represented by counsel for review and execution of this agreement.
9. 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 Okuley's Pharmacy & Home Medical, Inc. will operate.
10. Okuley's Pharmacy & Home Medical, Inc. explicitly withdraws its request for a hearing, waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and 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.

14. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
15. This Agreement shall become effective upon the date of the Board President's signature below.

R-2023-0307

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

**IN THE MATTER OF:
Case No. A-2022-0156**

**Beth Nicole Butcher, RPh
License No. 03-120805
9220 Schuman Rd.
Wapakoneta, Ohio 45895**

**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 Beth Nicole Butcher, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing duties of a certified pharmacy technician without maintaining appropriate registration with the Board. Together, the Board and Beth Nicole Butcher are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, 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. Beth Nicole Butcher is a licensed pharmacist in the state of Ohio under license number 03-120805.

3. Beth Nicole Butcher, who, at the time the conduct occurred, was the Responsible Person of Schwieterman's Drug Store, Inc., located at 1302 Defiance Street, Wapakoneta, Ohio.

FACTS

1. The Board initiated an investigation of Beth Nicole Butcher, pharmacist license number 03-120805, and Schwieterman's Drug Store, Inc., related to an employee of Schwieterman's Drug Store, Inc., performing duties of a certified pharmacy technician without maintaining appropriate registration with the Board.
2. On or about January 26, 2023, the Board sent a Notice of Opportunity for Hearing to Beth Nicole Butcher, 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. Beth Nicole Butcher neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated January 26, 2023; 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. Beth Nicole Butcher agrees to pay to the Board a monetary penalty in the amount of \$250. This fine will be attached to Beth Nicole Butcher's license record and must be paid no later than 180 days from the effective date of this Order. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
4. The Board hereby imposes a written reprimand on Beth Nicole Butcher's pharmacist license, number 03-120805.
5. Beth Nicole Butcher agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Beth Nicole Butcher understands that she has the right to be represented by counsel for review and execution of this agreement.

7. Beth Nicole Butcher agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Beth Nicole Butcher explicitly waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2023-0308

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

**IN THE MATTER OF:
Case No. A-2022-0496**

**Erin Domenico, RPh
License No. 03-438877
8337 Audubon Street NW
Massillon, Ohio 44646**

**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 Erin Domenico, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing duties of a pharmacy technician trainee without maintaining appropriate registration with the Board. Together, the Board and Erin Domenico are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, 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. Erin Domenico is a licensed pharmacist in the state of Ohio under license number 03-438877.
3. Erin Domenico is the Responsible Person and owner of Aultman Hospital, located at 2600 6th Street SW, Canton, Ohio.

FACTS

1. The Board initiated an investigation of Erin Domenico, pharmacist license number 03-438877, and Aultman Hospital, related to an employee of Aultman Hospital performing duties of a pharmacy technician trainee without maintaining appropriate registration with the Board.
2. On or about January 30, 2023, the Board sent a Notice of Opportunity for Hearing to Erin Domenico, 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. Erin Domenico neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated January 30, 2023; 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. Erin Domenico agrees to pay to the Board a monetary penalty in the amount of \$250. This fine will be attached to Erin Domenico's license record and must be paid no later than 180 days from the effective date of this Order. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
 4. The Board hereby imposes a written reprimand on Erin Domenico's pharmacist license, number 03-438877.
 5. Erin Domenico agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 6. Erin Domenico understands that she has the right to be represented by counsel for review and execution of this agreement.
 7. Erin Domenico agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
 8. Erin Domenico explicitly waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 12. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
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R-2023-0309

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

**IN THE MATTER OF:
Case No. 2022-0460**

**Amber Blackburn
Registration No. 09-107609
8465 Cleveland Ave SE
Magnolia, Ohio 44643**

**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 Amber Blackburn for the purpose of resolving all issues between the parties relating to the Board investigation of working at Aultman Hospital, located at 2600 6th Street SW, Canton, Ohio, without a maintaining a valid registration as a pharmacy technician trainee. Together, the Board and Amber Blackburn are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.96 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Sections 4729.90 and 4729.92 of the Ohio Revised Code to perform the duties of a pharmacy technician trainee in the state of Ohio.
2. Amber Blackburn, at the time the conduct occurred, was a pharmacy technician trainee in the state of Ohio under registration number 09-107609.

FACTS

1. The Board initiated an investigation of Amber Blackburn, pharmacy technician trainee registration number 09-107609, related to Amber Blackburn's working as a pharmacy technician at Aultman Hospital without maintaining a valid registration as a pharmacy technician trainee.
2. On or about February 3, 2023, the Board sent a Notice of Opportunity for Hearing to Amber Blackburn 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 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 Blackburn neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated February 3, 2023; 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. Amber Blackburn agrees to pay to the OSBP the amount of amount of \$25. This fine will be attached to the registration record and must be paid no later than 180 days from the effective date of this Order. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
4. The Board hereby imposes a written reprimand on Amber Blackburn's technician registration, number 09-107609.
5. Amber Blackburn agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Amber Blackburn understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Amber Blackburn agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Amber Blackburn waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
13. This Agreement shall become effective upon the date of the Board President's signature below.

R-2023-0310

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

**IN THE MATTER OF:
Case No. A-2022-0567**

**Kayla Knoy
Registration No. 09-309025
250 Harrison Street
Magnolia, Ohio 44643**

**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 Kayla Knoy for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing duties of a pharmacy technician trainee at Aultman Hospital, located at 2600 6th Street SW, Canton, Ohio, without maintaining appropriate registration with the Board. Together, the Board and Kayla Knoy are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.96 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend,

revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Sections 4729.90 and 4729.92 of the Ohio Revised Code to perform the duties of a certified pharmacy technician in the state of Ohio.

2. Kayla Knoy is a certified pharmacy technician in the state of Ohio under registration number 09-309025.

FACTS

1. The Board initiated an investigation of Kayla Knoy, certified pharmacy technician registration number 09-309025, related to Kayla Knoy's knowingly allowing Amber Blackburn to work as a pharmacy technician trainee at Aultman Hospital without maintaining a valid registration as a pharmacy technician trainee.
2. On or about February 3, 2023, the Board sent a Notice of Opportunity for Hearing to Kayla Knoy 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 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. Kayla Knoy neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated February 3, 2023; 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. Kayla Knoy agrees to pay to the OSBP the amount of amount of \$100. This fine will be attached to the registration record and must be paid no later than 180 days from the effective date of this Order. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
4. The Board hereby imposes a written reprimand on Kayla Knoy's technician registration, number 09-309025.

5. Kayla Knoy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 6. Kayla Knoy understands that she has the right to be represented by counsel for review and execution of this agreement.
 7. Kayla Knoy agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
 8. Kayla Knoy waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
 10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
 11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
 12. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
 13. This Agreement shall become effective upon the date of the Board President's signature below.
-

R-2023-0311

Mr. Wilt announced the dismissal of the Notice of Opportunity for Hearing issued on January 25, 2023, in the matter Amber Lynn Dalhover (A-2022-0426).

R-2023-0312

Mr. Wilt announced the dismissal of the Notice of Opportunity for Hearing issued on January 26, 2023, in the matter Institutional Care Pharmacy (A-2022-0152).

R-2023-0313

Ms. Buettner 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. The motion was seconded by Ms. Ferris and a roll-call vote was conducted *President Wilt* as follows: Buettner-yes; Ferris-yes; George-yes; Goodman-yes; Grimm-yes; Huston-yes, and Pfaff-yes.

R-2023-0314

After votes were taken in public session, the Board adopted the following order in the Matter of **Audacious OH, LLC, Piqua, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of:	:	
	:	Case No. A-2022-0224
Audacious OH, LLC	:	
645 W. Water Street	:	
Piqua, OH 45356	:	Application Ref. #KY327
	:	
Respondent	:	
	:	
<i>c/o Stephanie Hencz, Registered Agent</i>	:	
<i>4400 Easton Commons Way, Suite 125</i>	:	
<i>Columbus, OH 43219</i>	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Between the dates of November 4, 2021 and November 18, 2021, Audacious OH, LLC ("Respondent") submitted an application in response to *Ohio Medical Marijuana Control Program Request for Applications and Dispensary Application Instructions*. On May 17, 2022, the State of Ohio Board of Pharmacy ("Board") issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Provisional Dispensary License ("Notice") to Respondent. The Notice was served on Respondent by certified mail on May 23, 2022. Pursuant to ORC 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice's service. Respondent failed to request a hearing on the thirtieth and final day. Accordingly, on March 7, 2023, under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996), the Board considered the matter before the following members of the Board: Shawn Wilt, RPh, *Presiding*; Trina Buettner, RPh, Vice President; Mindy Ferris, RPh; Jason George, RPh; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christina Pfaff, RPh. Victor Goodman, *Public Member*, abstained.

The Board reviewed the following exhibits in this matter prior to making its decision:

- State's Exhibit A: Ohio Medical Marijuana Control Program Request for Applications and Dispensary Application Instructions
- State's Exhibit B: RFA II
- State's Exhibit C: Provisional Dispensary License Presentation (May 16, 2022)
- State's Exhibit D: Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License
- State's Exhibit E: Proof of Service
- Affidavit of Sharon Maerten-Moore
- Affidavit of Justin Sheridan

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavits submitted by the Board's former Director of the Medical Marijuana Control Program, Justin Sheridan, and the Board's Chief Legal Counsel, Sharon Maerten-Moore.

WHEREFORE, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:6-4-03, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:6-2-04(C)(1)(a) and all violations of law as described in the Notice. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Application is DENIED.

Service of this Order shall be perfected in accordance with the requirements of ORC Chapter 119.

Board Member Rich Miller, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member T.J. Grimm, RPh, seconded the motion. Motion passed (Yes-8/No-0/Abstained-1).

Board member Victor Goodman abstained.

SO ORDERED.

R-2023-0315

After votes were taken in public session, the Board adopted the following order in the Matter of **Pristine Oasis LLC, Piqua, Ohio**.

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of: :
: **Case No. A-2022-0234**
Pristine Oasis LLC :
645 W. Water Street :
Piqua, OH 45356 : **Application Reference #MU652**
:
Respondent :
:
c/o Dina Roskind, Registered Agent :
37 Barnes Lane :
Purchase, NY 10577 :

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Between the dates of November 4, 2021 and November 18, 2021, Pristine Oasis, LLC (“Respondent”) submitted an application in response to *Ohio Medical Marijuana Control Program Request for Applications and Dispensary Application Instructions*. On May 17, 2022, the State of Ohio Board of Pharmacy (“Board”) issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Provisional Dispensary License (“Notice”) to Respondent. The Notice was served on Respondent by certified mail on May 21, 2022. Pursuant to ORC 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice’s service. Respondent failed to request a hearing on the thirtieth and final day. Accordingly, on March 7, 2023, under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996), the Board considered the matter before the following members of the Board: Shawn Wilt, RPh, *Presiding*; Trina Buettner, RPh, Vice President; Mindy Ferris, RPh; Jason George, RPh; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christina Pfaff, RPh. Victor Goodman, *Public Member*, abstained.

The Board reviewed the following exhibits in this matter prior to making its decision:

- State’s Exhibit A: Ohio Medical Marijuana Control Program Request for Applications and Dispensary Application Instructions
- State’s Exhibit B: RFA II
- State’s Exhibit C: Provisional Dispensary License Presentation (May 16, 2022)
- State’s Exhibit D: Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License
- State’s Exhibit E: Proof of Service
- Affidavit of Sharon Maerten-Moore
- Affidavit of Justin Sheridan

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavits submitted by the Board’s former

Director of the Medical Marijuana Control Program, Justin Sheridan, and the Board's Chief Legal Counsel, Sharon Maerten-Moore.

WHEREFORE, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:6-4-03, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:6-2-04(C)(1)(a) and all violations of law as described in the Notice. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Application is DENIED.

Service of this Order shall be perfected in accordance with the requirements of ORC Chapter 119.

Board Member Rich Miller, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member T.J. Grimm, RPh, seconded the motion. Motion passed (Yes-8/No-0/Abstained-1).

Board member Victor Goodman abstained.

SO ORDERED.

R-2023-0316

After votes were taken in public session, the Board adopted the following order in the Matter of **Nature Med OH, LLC, Garfield Heights, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of:	:	
	:	Case No. A-2022-0194
Nature Med OH, LLC	:	
8811 Garfield Blvd.	:	
Fairfield, OH 45014	:	Application Ref. #AX356
	:	
Respondent	:	
	:	
c/o Amitkumar G. Patel, Primary Contact	:	
265 Fountain Dr.	:	
Glen Carbon, IL 62034	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Between the dates of November 4, 2021 and November 18, 2021, Nature Med OH, LLC (“Respondent”) submitted an application in response to *Ohio Medical Marijuana Control Program Request for Applications and Dispensary Application Instructions*. On May 17, 2022, the State of Ohio Board of Pharmacy (“Board”) issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Provisional Dispensary License (“Notice”) to Respondent. The Notice was served on Respondent by certified mail on May 31, 2022. Pursuant to ORC 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice’s service. Respondent timely requested a hearing and subsequently withdrew said request. Accordingly, on March 7, 2023, under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996), the Board considered the matter before the following members of the Board: Shawn Wilt, RPh, *Presiding*; Trina Buettner, RPh, Vice President; Mindy Ferris, RPh; Jason George, RPh; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christina Pfaff, RPh. Victor Goodman, *Public Member*, abstained.

The Board reviewed the following exhibits in this matter prior to making its decision:

- State’s Exhibit A: Ohio Medical Marijuana Control Program Request for Applications and Dispensary Application Instructions
- State’s Exhibit B: RFA II Drawing Results
- State’s Exhibit C: Provisional Dispensary License Presentation (May 16, 2022)
- State’s Exhibit D: Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License
- State’s Exhibit E: Proof of Service
- State’s Exhibit F: Hearing Request Withdrawal
- State’s Exhibit G: Hearing Cancellation
- Affidavit of Sharon Maerten-Moore
- Affidavit of Justin Sheridan

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavits submitted by the Board’s former Director of the Medical Marijuana Control Program, Justin Sheridan, and the Board’s Chief Legal Counsel, Sharon Maerten-Moore.

WHEREFORE, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent withdrew its request for a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:6-4-03, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:6-2-04(C)(1)(a) and all violations of law as described in the Notice. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Application is DENIED.

Service of this Order shall be perfected in accordance with the requirements of ORC Chapter 119.

Board Member Rich Miller, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member T.J. Grimm, RPh, seconded the motion. Motion passed (Yes-8/No-0/Abstained-1).

Board member Victor Goodman abstained.

SO ORDERED.

R-2023-0317

After votes were taken in public session, the Board adopted the following order in the Matter of **Item Nine Dispensary, LLC, Eastlake, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

**In the Matter of:
Case No. A-2022-0235
Item Nine Dispensary, LLC
34480 Vine Street
Eastlake, OH 44095**

Application Reference # QK632

Respondent

**c/o Mercury Agent Company, Registered Agent
250 West Street, Suite 700
Columbus, OH 43215**

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Between the dates of November 4, 2021 and November 18, 2021, Item Nine Dispensary, LLC ("Respondent") submitted an application in response to *Ohio Medical Marijuana Control Program Request for*

Applications and Dispensary Application Instructions. On May 17, 2022, the State of Ohio Board of Pharmacy (“Board”) issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Provisional Dispensary License (“Notice”) to Respondent. The Notice was served on Respondent by certified mail on May 23, 2022. Pursuant to ORC 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice’s service. Respondent failed to request a hearing on the thirtieth and final day. Accordingly, on March 7, 2023, under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996), the Board considered the matter before the following members of the Board: Shawn Wilt, RPh, *Presiding*; Trina Buettner, RPh, Vice President; Mindy Ferris, RPh; Jason George, RPh; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christina Pfaff, RPh. Victor Goodman, *Public Member*, abstained.

The Board reviewed the following exhibits in this matter prior to making its decision:

- State’s Exhibit A: Ohio Medical Marijuana Control Program Request for Applications and Dispensary Application Instructions
- State’s Exhibit B: RFA II
- State’s Exhibit C: Provisional Dispensary License Presentation (May 16, 2022)
- State’s Exhibit D: Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License
- State’s Exhibit E: Proof of Service
- Affidavit of Sharon Maerten-Moore
- Affidavit of Justin Sheridan

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavits submitted by the Board’s former Director of the Medical Marijuana Control Program, Justin Sheridan, and the Board’s Chief Legal Counsel, Sharon Maerten-Moore.

WHEREFORE, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent failed to request a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:6-4-03, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:6-2-04(C)(1)(a) and all violations of law as described in the Notice. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent’s Application is DENIED.

Service of this Order shall be perfected in accordance with the requirements of ORC Chapter 119.

Board Member Rich Miller, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member T.J. Grimm, RPh, seconded the motion. Motion passed (Yes-8/No-0/Abstained-1).

Board member Victor Goodman abstained.

SO ORDERED.

R-2023-0318

After votes were taken in public session, the Board adopted the following order in the Matter of **Revolution Ohio, LLC (Case No. A-2022-0015), Cleveland, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of:	:	
	:	Case No. A-2022-0015
Revolution Ohio, LLC	:	
200 Public Square #3000	:	
Cleveland, OH 44114	:	Application Ref. # RW485
	:	
Respondent	:	
	:	
c/o Karen McKeown	:	
3958-D Brown Park Drive	:	
Hilliard, OH 43026	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Between the dates of November 4, 2021 and November 18, 2021, Revolution Ohio, LLC (“Respondent”) submitted an application in response to *Ohio Medical Marijuana Control Program Request for Applications and Dispensary Application Instructions*. On January 12, 2022, the State of Ohio Board of Pharmacy (“Board”) issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Provisional Dispensary License (“Notice”) to Respondent. The Notice was personally served on Respondent on January 12, 2022. Pursuant to ORC 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice’s service. Respondent timely requested a hearing and subsequently withdrew said request. Accordingly, on March 7, 2023, under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996), the Board

considered the matter before the following members of the Board: Shawn Wilt, RPh, *Presiding*; Trina Buettner, RPh, Vice President; Mindy Ferris, RPh; Jason George, RPh; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christina Pfaff, RPh. Victor Goodman, *Public Member*, abstained.

The Board reviewed the following exhibits in this matter prior to making its decision:

- State's Exhibit A: Ohio Medical Marijuana Control Program Request for Applications and Dispensary Application Instructions
- State's Exhibit B: Notice of Opportunity for Hearing
- State's Exhibit C: Proof of Service
- State's Exhibit D: Hearing Request Withdrawal
- Affidavit of Sharon Maerten-Moore
- Affidavit of Justin Sheridan

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavits submitted by the Board's former Director of the Medical Marijuana Control Program, Justin Sheridan, and the Board's Chief Legal Counsel, Sharon Maerten-Moore.

WHEREFORE, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent withdrew its request for a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:6-4-03, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:6-2-04(C)(1)(a) and all violations of law as described in the Notice. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Application is DENIED.

Service of this Order shall be perfected in accordance with the requirements of ORC Chapter 119.

Board Member Rich Miller, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member T.J. Grimm, RPh, seconded the motion. Motion passed (Yes-8/No-0/Abstained-1).

Board member Victor Goodman abstained.

SO ORDERED.

R-2023-0319

After votes were taken in public session, the Board adopted the following order in the Matter of **Revolution Ohio, LLC (Case No. A-2022-0012), Cleveland, Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of:	:	
	:	Case No. A-2022-0012
Revolution Ohio, LLC	:	
200 Public Square #3000	:	
Cleveland, OH 44114	:	Application Ref. #RM522
	:	
Respondent	:	
	:	
c/o Karen McKeown	:	
3958-D Brown Park Drive	:	
Hilliard, OH 43026	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Between the dates of November 4, 2021 and November 18, 2021, Revolution Ohio, LLC (“Respondent”) submitted an application in response to *Ohio Medical Marijuana Control Program Request for Applications and Dispensary Application Instructions*. On January 12, 2022, the State of Ohio Board of Pharmacy (“Board”) issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Provisional Dispensary License (“Notice”) to Respondent. The Notice was personally served on Respondent on January 12, 2022. Pursuant to ORC 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice’s service. Respondent timely requested a hearing and subsequently withdrew said request. Accordingly, on March 7, 2023, under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996), the Board considered the matter before the following members of the Board: Shawn Wilt, RPh, *Presiding*; Trina Buettner, RPh, Vice President; Mindy Ferris, RPh; Jason George, RPh; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christina Pfaff, RPh. Victor Goodman, *Public Member*, abstained.

The Board reviewed the following exhibits in this matter prior to making its decision:

- State’s Exhibit A: Ohio Medical Marijuana Control Program Request for Applications and Dispensary Application Instructions

- State's Exhibit B: Notice of Opportunity for Hearing
- State's Exhibit C: Proof of Service
- State's Exhibit D: Hearing Request Withdrawal
- Affidavit of Sharon Maerten-Moore
- Affidavit of Justin Sheridan

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavits submitted by the Board's former Director of the Medical Marijuana Control Program, Justin Sheridan, and the Board's Chief Legal Counsel, Sharon Maerten-Moore.

WHEREFORE, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent withdrew its request for a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:6-4-03, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:6-2-04(C)(1)(a) and all violations of law as described in the Notice. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Application is DENIED.

Service of this Order shall be perfected in accordance with the requirements of ORC Chapter 119.

Board Member Rich Miller, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member T.J. Grimm, RPh, seconded the motion. Motion passed (Yes-8/No-0/Abstained-1).

Board member Victor Goodman abstained.

SO ORDERED.

R-2023-0320

After votes were taken in public session, the Board adopted the following order in the Matter of **3939 Holdings LLC, Fairfield (Case No. A-2022-0011), Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of: _____ :

	:	Case No. A-2022-0011
3939 Holdings LLC	:	
3939 River Road	:	
Fairfield, OH 45014	:	Application Ref. #UJ923
	:	
Respondent	:	
	:	
c/o Chad Oberson	:	
3939 River Road	:	
Fairfield, OH 45014	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Between the dates of November 4, 2021 and November 18, 2021, 3939 Holdings LLC (“Respondent”) submitted an application in response to *Ohio Medical Marijuana Control Program Request for Applications and Dispensary Application Instructions*. On January 12, 2022, the State of Ohio Board of Pharmacy (“Board”) issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Provisional Dispensary License (“Notice”) to Respondent. The Notice was personally served on Respondent on January 12, 2022. Pursuant to ORC 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice’s service. Respondent timely requested a hearing and subsequently withdrew said request. Accordingly, on March 7, 2023, under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996), the Board considered the matter before the following members of the Board: Shawn Wilt, RPh, *Presiding*; Trina Buettner, RPh, Vice President; Mindy Ferris, RPh; Jason George, RPh; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christina Pfaff, RPh. Victor Goodman, *Public Member*, abstained.

The Board reviewed the following exhibits in this matter prior to making its decision:

- State’s Exhibit A: Ohio Medical Marijuana Control Program Request for Applications and Dispensary Application Instructions
- State’s Exhibit B: Notice of Opportunity for Hearing
- State’s Exhibit C: Proof of Service
- State’s Exhibit D: Hearing Request Withdrawal
- Affidavit of Sharon Maerten-Moore
- Affidavit of Justin Sheridan

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavits submitted by the Board’s former Director of the Medical Marijuana Control Program, Justin Sheridan, and the Board’s Chief Legal Counsel, Sharon Maerten-Moore.

WHEREFORE, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the

rights afforded pursuant to ORC Chapter 119. As Respondent withdrew its request for a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:6-4-03, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:6-2-04(C)(1)(a) and all violations of law as described in the Notice. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent's Application is DENIED.

Service of this Order shall be perfected in accordance with the requirements of ORC Chapter 119.

Board Member Rich Miller, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member T.J. Grimm, RPh, seconded the motion. Motion passed (Yes-8/No-0/Abstained-1).

Board member Victor Goodman abstained.

SO ORDERED.

R-2023-0321

After votes were taken in public session, the Board adopted the following order in the Matter of **3939 Holdings LLC, Fairfield (Case No. A-2022-0016), Ohio.**

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of:	:	
	:	Case No. A-2022-0016
3939 Holdings LLC	:	
3939 River Road	:	
Fairfield, OH 45014	:	Application Ref. #XK693
	:	
Respondent	:	
	:	
c/o Chad Oberson	:	
3939 River Road	:	
Fairfield, OH 45014	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Between the dates of November 4, 2021 and November 18, 2021, 3939 Holdings LLC (“Respondent”) submitted an application in response to *Ohio Medical Marijuana Control Program Request for Applications and Dispensary Application Instructions*. On January 12, 2022, the State of Ohio Board of Pharmacy (“Board”) issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Provisional Dispensary License (“Notice”) to Respondent. The Notice was personally served on Respondent on January 12, 2022. Pursuant to ORC 119.07, Respondent had a right to a hearing if requested within 30 days of the Notice’s service. Respondent timely requested a hearing and subsequently withdrew said request. Accordingly, on March 7, 2023, under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996), the Board considered the matter before the following members of the Board: Shawn Wilt, RPh, *Presiding*; Trina Buettner, RPh, Vice President; Mindy Ferris, RPh; Jason George, RPh; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christina Pfaff, RPh. Victor Goodman, *Public Member*, abstained.

The Board reviewed the following exhibits in this matter prior to making its decision:

- State’s Exhibit A: Ohio Medical Marijuana Control Program Request for Applications and Dispensary Application Instructions
- State’s Exhibit B: Notice of Opportunity for Hearing
- State’s Exhibit C: Proof of Service
- State’s Exhibit D: Hearing Request Withdrawal
- Affidavit of Sharon Maerten-Moore
- Affidavit of Justin Sheridan

WHEREFORE, the Board hereby confirms, approves, and adopts the facts contained in the affidavits submitted by the Board’s former Director of the Medical Marijuana Control Program, Justin Sheridan, and the Board’s Chief Legal Counsel, Sharon Maerten-Moore.

WHEREFORE, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119. As Respondent withdrew its request for a hearing, no additional facts were presented to the Board on behalf of Respondent.

WHEREFORE, pursuant to ORC 3796.14(B) and Ohio Administrative Code 3796:6-4-03, the State of Ohio Board of Pharmacy finds and concludes that Respondent engaged in conduct set forth in OAC 3796:6-2-04(C)(1)(a) and all violations of law as described in the Notice. Based on the findings contained herein, the Board ORDERS as follows:

1. Respondent’s Application is DENIED.

Service of this Order shall be perfected in accordance with the requirements of ORC Chapter 119.

Board Member Rich Miller, RPh, moved for the findings of fact, conclusions of law, and decision of the Board. Board Member T.J. Grimm, RPh, seconded the motion. Motion passed (Yes-8/No-0/Abstained-1).

Board member Victor Goodman abstained.

SO ORDERED.

R-2023-0322

After votes were taken in public session, the Board adopted the following order in the Matter of **BlackFox, LLC, Akron, Ohio**.

**ORDER OF THE STATE OF OHIO BOARD OF PHARMACY
CONFIRMING AND APPROVING
REPORT & RECOMMENDATION OF HEARING EXAMINER**

(Case Number A-2022-0239)

IN THE MATTER OF:

BlackFox, LLC

c/o Chris Fox, CEO and Registered Agent

411 Wolf Ledges Parkway, Suite 201

Akron, OH 44311

Application No.: SH699

Application District: Southwest-1

Application Dispensary Address: 768 Hill Street, Reading, OH 45215

INTRODUCTION

BlackFox, LLC (BlackFox) came for hearing on November 18, 2022 before Hearing Examiner Keith E. Golden. The State of Ohio Board of Pharmacy (Board), considered the matter on Tuesday, March 7, 2023, before the following members of the Board: Shawn Wilt, RPh, *Presiding*; Trina Buettner, RPh, Vice President; Mindy Ferris, RPh; Jason George, RPh; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christina Pfaff, RPh. Victor Goodman, *Public Member*, abstained.

Respondent was not represented by counsel. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

BOARD REVIEW OF THE RECORD

Prior to making its decision, the Board reviewed the administrative record in this matter, consisting of the following items:

- 1) Notice of Opportunity for Hearing/Notice of Intent to Deny Application for Medical Marijuana Dispensary License with Attachments (GIS Review of Application SH699 and Medical Marijuana Dispensaries Ordinance), dated May 17, 2022, and attached hereto as Exhibit A;
- 2) Hearing Examiner's Scheduling Order, filed July 1, 2022;
- 3) USPS Tracking Record, dated July 26, 2022;
- 4) Joint Exhibits, filed September 8, 2022, which included the following Exhibits:
 1. RFAII Presentation
 2. FAQ from April 2021
 3. Request for Applications/Instructions
 4. Application (preview)
 5. Q&A Round 1
 6. Q&A Round 2
 7. Number of Applications Received by District
 8. Drawing Results
 9. FAQ from January 2022
 10. List of Provisional Dispensary Licenses
 11. Summary of PDLs Awarded
 12. Presentation from May 2022
 13. FAQ from May 2022
 14. Notice Letter
 15. Request for Hearing
 16. First Hearing Letter
 17. Current Scheduling Order
 18. Application of Respondent (without attachments & section B questions)
 19. Attachment to Application – 500 Ft. Review
 20. Attachment to Application-Letter of Intent
 21. Request for Clarification and Response
 22. Attachment to Request for Clarification-Notice of Proper Zoning

23. Auditor Description (Parcel 671-0009-0062-00)
24. Auditor Description (Parcel 671-0009-0063-00)

- 5) State's Witness List and Exhibits, filed September 8, 2022, which included the following exhibits:
 1. City of Reading Ordinance §624.24 "Cultivators, Processors, and Retail Dispensaries of Marijuana Prohibited"
 2. Dispensary Application Materials and Resources

 - 6) Transcripts of November 18, 2022 hearing;
 - 7) State's Pre-Hearing Brief, filed September 8, 2022;
 - 8) Hearing Examiner's Report and Recommendation, filed February 8, 2023, and attached hereto as Exhibit B;
 - 9) Proof of Service of Report and Recommendation, filed February 16, 2023.

DECISION OF THE BOARD

After thorough review of the administrative record, the Board hereby confirms and approves in its entirety Hearing Examiner Golden's Report and Recommendation, attached hereto as Exhibit B, as it relates to the Board's May 17, 2022 Notice of Opportunity for Hearing/Notice of Intent to Deny Medical Marijuana Dispensary License with Attachments to BlackFox Dispensary, LLC, including the Findings of Fact and Conclusions of Law.

All violations of law are supported by the evidence in the record. Specifically, the dispensary is located in the City of Reading, Ohio. Pursuant to R.C. 3796.29, the City of Reading has adopted local ordinance §624.24 "Cultivators, Processors, and Retail Dispensaries of Marijuana Prohibited." Accordingly, BlackFox Dispensary, LLC has not demonstrated compliance with Ohio Revised Code Chapter 3796 and the administrative rules promulgated thereunder. As required by Ohio Adm.Code 3796:6-2-04(B), BlackFox Dispensary, LLC has not met the requirements to be awarded a provisional dispensary license by the Board.

The Board confirms and approves the Report and Recommendation of Hearing Examiner Golden, and denies BlackFox, LLC's application, Application No. SH699, for a provisional dispensary license.

Mr. George moved to confirm and approve the Hearing Examiner's Findings of Fact; Mr. Grimm seconded the motion. Motion passed (Yes-7/No-0/Abstain-1).

Mr. George moved to confirm and approve the Hearing Examiner's Conclusions of Law; Mr. Grimm seconded the motion. Motion passed (Yes-7/No-0/Abstain-1).

Mr. George moved to confirm and approve the Hearing Examiner's recommendation; Mr. Grimm seconded the motion. Motion passed (Yes-7/No-0/Abstain-1).

SO ORDERED.

R-2023-0323

After votes were taken in public session, the Board adopted the following order in the Matter of **BlackFox, LLC, Akron, Ohio**.

ORDER OF THE STATE OF OHIO BOARD OF PHARMACY CONFIRMING
AND APPROVING IN PART AND MODIFYING IN PART
REPORT & RECOMMENDATION OF HEARING EXAMINER
(Case Number A-2022-0199)

IN THE MATTER OF:
David J. Vance
4874 South Blvd. NW, Apt. 19
Canton, OH 44718

Pending Registration No. APP-000538756

INTRODUCTION

David J. Vance (Respondent) submitted an application for registration as a Pharmacy Technician Trainee in the State of Ohio (APP-000538756) on February 14, 2022. The State of Ohio Board of Pharmacy (Board) issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Technician Registration on August 29, 2022. Respondent timely requested a hearing, and the Matter of David J. Vance came for hearing before Hearing Examiner David G. Hasselback on January 20, 2023. Respondent appeared *pro se* and the State of Ohio was represented by Henry Appel, Assistant Attorney General. The Hearing Examiner's Report and Recommendation was issued to Respondent via certified mail, return receipt requested, on or about February 8, 2023. A courtesy copy was also issued to Respondent via email that day. The matter subsequently came for consideration by the Board on March 7, 2023, before the following members: Shawn Wilt, RPh, *Presiding*; Trina Buettner, RPh; Mindy Ferris, RPh; Jason George, RPh; Victor

Goodman, *Public Member*; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christine Pfaff, RPh.

BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items: the State's Exhibits, the hearing transcript, and Hearing Examiner Hasselback's Report and Recommendation.

DECISION OF THE BOARD

1. Based on a thorough review of the administrative record in this matter, the Board confirms and approves in part and modifies in part Hearing Examiner Hasselback's Findings of Fact and finds the following:
 - a. In Respondent's application dated February 14, 2022, Respondent disclosed a court action which occurred on December 16, 2021, in the Court of Common Pleas of Venango County, Pennsylvania. A subsequent question asked Respondent to give a brief description of charges/settlement in the action, and in the disclosure, Respondent entered the description as "General Impairment." Upon further investigation by a Board agent, it was determined that Respondent was found guilty in the Court of Common Pleas of Venango County of DUI General Impairment, a Misdemeanor, and Careless Driving, a Summary Offense. Respondent was sentenced to six (6) months' probation, ordered to attend six (6) months outpatient counseling, and ordered to pay fine and costs of \$500. (Commonwealth of Pennsylvania v. David J. Vance, Court of Common Pleas of Venango County, Pennsylvania, Case No. 494-2021).
 - b. In Respondent's application dated February 14, 2022, Respondent disclosed court action on December 16, 2021, in the Court of Common Pleas of Venango County. A subsequent question asked Respondent to give a brief description of charges/settlement in the action, and in the disclosure, Respondent entered the description as "trespassing." Upon further investigation by a Board agent, it was determined that Respondent was found guilty in the Court of Common Pleas of Venango County of Criminal Trespass, (third degree Felony),

and Theft by Unlawful Taking, (second degree Misdemeanor). Respondent was sentenced to one (1) year probation to run concurrently with other sentences imposed in Case No. 494-2021 and ordered to pay costs and fees. (Commonwealth of Pennsylvania v. David J. Vance, Court of Common Pleas of Venango County, Pennsylvania, Case No. 438-2021).

2. Based on a thorough review of the administrative record in this matter, the Board modifies Hearing Examiner Hasselback's Conclusions of Law and finds only the following:
 - a. Respondent's conduct, as set forth in Paragraph (1), above, constitutes a violation of Ohio Revised Code section 4729.96(A)(2)(g): Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted by the board under section 4729.94 of the Revised Code.
 - b. Respondent's conduct, as set forth in Paragraph (1), above, constitutes a violation of Ohio Administrative Code Rule 4729:3-4-01(C)(2): Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired registration.
3. Based on a thorough review of the administrative record, and the Findings of Fact (Paragraph (1) above) and Conclusions of Law (Paragraph (2) above) made by the Board in this matter, the Board hereby confirms and approves in part and modifies Hearing Examiner Hasselback's Report and Recommendation in part, grants Respondent's pharmacy technician trainee license, and places Respondent on one year probation subject to the following conditions:
 1. David J. Vance must enter into and adhere to the terms of a new contract, signed within thirty days after the effective date of this Order, with a Board approved treatment monitor for a period of not less than one year and, upon signing, submit a copy of the contract to the Board office. David J. Vance should also submit to the Board documentation demonstrating compliance with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider, if applicable. Failure to adhere to the terms of the treatment contract and/or

monitoring contract will be considered a violation of the Board's Order and subject David J. Vance to potential sanctions up to and including revocation of license. The monitoring 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 David J. Vance 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. David J. Vance must meet the daily check-in requirements of the testing center or check-in requirements as otherwise proscribed by the treatment monitor.
- g. 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.
- h. 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.

- i. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
1. David J. Vance 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 David J. Vance appear before the Board for possible additional sanctions, including and up to revocation of license.
2. David J. Vance 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 David J. Vance appear before the Board for possible additional sanctions, including and up to revocation of license.
3. David J. Vance 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 David J. Vance to possible additional sanctions, including and up to revocation of license.
4. If David J. Vance obtains his Registered or Certified Technician registration prior to the expiration of the probation period, then any remaining probation period shall transfer to the subsequent registration.

Mr. Grimm moved to confirm and approve in part and modify in part the Hearing Examiner's Findings of Fact, as described above; Mr. George seconded the motion. Motion passed (Yes-8/No-0).

Mr. Grimm moved to modify the Hearing Examiner's Conclusions of Law, as described above; Mr. George seconded the motion. Motion passed (Yes-8/No-0).

Mr. Grimm moved to confirm and approve the Hearing Examiner's recommendation with the modification as described above; Mr. George seconded the motion. Motion passed (Yes-8/No-0).

SO ORDERED.

R-2023-0324 Mr. George moved that the February 6, 2023, Probation Committee Meeting Minutes be approved as written. The motion was seconded by Ms. Buettner and approved by the Board: Yes-8, No-0.

R-2023-0325 Mr. George moved that the February 6-7, 2023, Board Meeting Minutes be approved as written. The motion was seconded by Ms. Buettner and approved by the Board: Yes-8, No-0.

R-2023-0326 Mr. George moved that the February 15, 2023, Conference Call Meeting Minutes be approved as written. The motion was seconded by Ms. Buettner and approved by the Board: Yes-8, No-0.

R-2023-0327 Mr. George moved that the March 1, 2023, Conference Call Meeting Minutes be approved as written. The motion was seconded by Ms. Buettner and approved by the Board: Yes-8, No-0.

R-2023-0328 Mr. Huston moved to adjourn the March 2023 State of Ohio Board of Pharmacy Meeting. The motion was seconded by Mr. Miller and approved by the Board: Yes-8, No-0.

10:11 a.m. The Board Meeting Adjourned.


Shawn Wilt, RPh, President

Date: 04/04/2023


Steven W. Schierholt, Executive Director

Date: 04/04/2023