



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

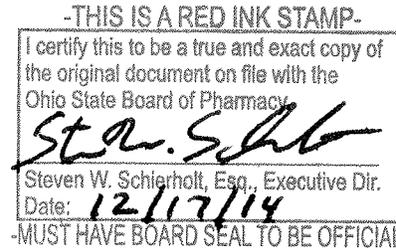
TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.pharmacy.ohio.gov>

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

December 17, 2014

Maria Mascio, R.Ph.
1558 Clubview Boulevard
Worthington, Ohio 43235



Re: Ohio Registered Pharmacist
License No. 03-1-12458

Dear Ms. Mascio:

In accordance with Section 3719.121(B) of the Ohio Revised Code, the Board has determined that there is clear and convincing evidence that the continuation of your professional practice presents a danger of immediate and serious harm to others. The reasons for the Board's action are that you have committed any and/or all of the following acts:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on August 10, 1977, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) On December 11, 2014, you were indicted by the United States of America for the following alleged acts: one (1) count of conspiracy to commit health care fraud, one (1) count of participation in a health care fraud scheme, thirty-seven (37) counts of making health care false statements, one (1) count of conspiracy to commit an offense against the United States, five (5) counts of aggravated identity theft, and one (1) count of tampering with a witness. *United States of America v. Maria Mascio*, (S.D. Ohio 2014) Case No. 2:14-CR-272, Indictment. All of these alleged criminal acts were committed in the course of your professional practice as a registered pharmacist. Indeed, the alleged identity theft charges concerned the identity of one of your patients at the pharmacy. As such, the continuation of your professional practice presents a danger of immediate and serious harm to others. Such conduct indicates that you are unfit to practice pharmacy under the provisions of Sections 3719.121(B) and 4729.16(A) (1), (2), and (5) of the Ohio Revised Code.
- (3) On November 16, 2014, you signed a Written Notice of Discontinuing Business at the following licensed location: Family Medical Pharmacy, 5770 Karl Road, Columbus, Ohio 43229. The Discontinuation of Business form indicates that all drugs will be transferred to the following licensed entity: Happy Druggist Pharmacy, 5770 Karl Road, Columbus, Ohio 43229. On December 3, 2014, at approximately 9:42 p.m., the security company for the Happy Druggist Pharmacy notified the owner of someone entering the closed pharmacy. Police were dispatched to the location and you were detained, along with multiple other individuals. You admitted to the new owner of the Happy Druggist

Pharmacy that you had entered the pharmacy's separately secured drug stock area the previous day, December 2, after hours. Further, surveillance video shows you entering the pharmacy on December 2 and at approximately 10:30 p.m. you are observed exiting the secured drug stock area cupping your left hand, searching the pharmacy for an amber drug vial and lid, and placing all items into your right pocket. You are also seen on video entering the drug stock area on four (4) separate occasions during your visit to the pharmacy on December 2, 2014. On one occasion, you are seen removing a small box. The above alleged acts constitute violations of Ohio Administrative Code Section 4729-9-07 and 4729-9-11. Such conduct, if proven, constitutes being guilty of a felony or gross immorality, being guilty of dishonesty or unprofessional conduct in the practice of pharmacy and/or being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting 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. or 3719. of the Revised Code, or any rule adopted by the board under those provisions within the meaning of Section 4729.16 of the Ohio Revised Code.

YOU ARE HEREBY NOTIFIED that Section 3719.121(B) of the Ohio Revised Code states, in pertinent part:

(B) If the board under which a person has been issued a license, . . . , . . . determines that there is clear and convincing evidence that continuation of the person's professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others, the board may suspend the person's license, . . . without a prior hearing.

WHEREFORE, PURSUANT TO SECTION 3719.121(B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO ARE HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO POSSESS OR DISTRIBUTE DANGEROUS DRUGS. This suspension shall remain in effect until a final adjudication order becomes effective, during which time you may not engage in the practice of pharmacy.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states, in pertinent part:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;

(2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;

(3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;

(4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;

(5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;

(6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;

(7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;

(8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;

(9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;

(10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

YOU ARE FURTHER NOTIFIED that "Revoke", as used in Chapters 3719. and 4729. of the Revised Code, means to take action against a license rendering such license void and such license may not be reissued. "Revoke" is an action that is permanent against the license and licensee. Ohio Administrative Code, 4729-9-01(E)

IF YOU DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. YOUR REQUEST MUST BE IN WRITING, AND MUST BE RECEIVED IN THE OFFICE OF THE OHIO STATE BOARD OF PHARMACY ON OR PRIOR TO THE THIRTIETH (30TH) DAY FOLLOWING THE MAILING DATE OF THIS NOTICE. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

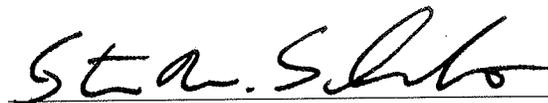
YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the thirtieth (30th) day following the mailing of this notice, the Ohio State

Maria Mascio, R.Ph.
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Summary Suspension

Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten (10) days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

BY ORDER OF THE STATE BOARD OF PHARMACY



Steven W. Schierholt, Esq.
Executive Director

SWS/r/c (Case No. 2014-2139)

REGISTERED MAIL / Return Receipt
RE 663 139 095 US

c: Charissa Payer, Assistant Attorney General

Completed By Customer (Handwritten or Printed) or by Post Office (Printed or Typed)

FROM

OHIO STATE BOARD OF PHARMACY
 77 SOUTH HIGH STREET, ROOM 1702
 COLUMBUS, OHIO 43215-6126

OFFICIAL USE

Customer Must Declare Full Value \$ 0

Domestic insurance up to \$25,000 is included based upon the declared value. International indemnity is limited. (See Reverse).

To Be Completed By Post Office	
Reg. Fee	1.95
Handling Charge	
Postage	.09
Return Receipt Restricted Delivery	2.70
Received by	

Registered No. RE 663 139 095 US

Date Stamp

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Maria Mascio, R.Ph.
 1558 Clubview Blvd.
 Worthington, Ohio 43235

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X

B. Received by (Printed Name) C.

D. Is delivery address different from item 1? If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

2. Article Number RE 663 139 095 US

\$15.34
 US POSTAGE
 FIRST-CLASS
 FROM 4321
 DEC 17 201
 stamps



REGISTERED MAIL

Label 200, August 2005 PSN 7690-03-000-9311

RE 663 139 095 US

Maria Mascio, R.Ph.
 1558 Clubview Blvd. S
 Columbus OH 43235-1636

OHIO STATE BOARD OF PHARMACY
 77 SOUTH HIGH STREET, ROOM 1702
 COLUMBUS, OHIO 43215-6126
 PHA 0050 (REV.10/02)



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor
Columbus, Ohio 43266-0320
Telephone: 614/466-4143

THE STATE BOARD OF PHARMACY
(Docket No. D-910830-034)

In The Matter Of:

MARIA R. MASCIO, R.Ph.
1512 Fishinger
Upper Arlington, Ohio 43221
(R.Ph. No. 03-1-12458)

C O N S E N T A G R E E M E N T

This Consent Agreement is entered into by and between Maria R. Mascio, R.Ph. and the Ohio State Board of Pharmacy, a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

Maria R. Mascio enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudication hearing on the issues contained herein.

This Agreement is entered into on the basis of the following stipulations, admissions, and understandings:

1. The Ohio State Board of Pharmacy is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card, or impose a monetary penalty on the license holder for violation of any of the enumerated grounds.
2. Maria R. Mascio is licensed to practice pharmacy in the State of Ohio.
3. Maria R. Mascio is knowingly and voluntarily acknowledging that she allowed her license to lapse from September 16, 1990 to October 15, 1990, from September 16, 1983 to October 3, 1983, from September 15, 1982 to October 29, 1982, and from September 15, 1981 to September 21, 1981, and practiced pharmacy while the license was lapsed.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Maria R. Mascio knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

MARIA R. MASCIO, R.Ph.

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Consent Agreement

1. Maria R. Mascio agrees to the imposition of a monetary penalty of five hundred dollars (\$500.00).
2. Maria R. Mascio understands that the State Board of Pharmacy will suspend two hundred dollars (\$200.00) of the monetary penalty on condition that Maria R. Mascio does not further violate any laws under Chapter 4729. of the Ohio Revised Code.
3. The three hundred dollar (\$300.00) monetary penalty that was not suspended is due and owing within thirty (30) days of the effective date of this Agreement. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.
4. If Maria R. Mascio violates any laws under Chapter 4729., she agrees to the imposition of the portion of the monetary penalty the Board originally suspended.

If, in the judgement of the Board, Maria R. Mascio appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violation of the laws of Ohio occurring before the effective date of this Agreement.

Maria R. Mascio acknowledges that she has had an opportunity to ask questions concerning the terms of this Agreement and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the Board based on alleged violation of this Agreement shall comply with the Administrative Procedure Act, Chapter 119. of the Ohio Revised Code.

Maria R. Mascio waives any and all claims or causes of action she may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement.

In the event the Board, at its discretion, does not approve this Agreement, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. Maria R. Mascio agrees that should the Board reject this Agreement and if this case proceeds to hearing, she will assert no claim that the Board was prejudiced