



IN THE MATTER OF:

CASE No 2014-1787-B

Michelle Hounshell, RPh
11625 Bank Road
Cincinnati, Ohio 45251

License No. 03-1-22392

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 Michelle Hounshell, for the purpose of resolving all issues between the parties relating to the Board investigation of error in dispensing. Together, the Board and Michelle Hounshell 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, 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. Michelle Hounshell is an Ohio-licensed pharmacist under license number 03-1-22392.

FACTS

1. On or about August 12, 2014, the Board initiated an investigation of Michelle Hounshell, pharmacist license number 03-1-22392, related to Michelle Hounshell misbranding a drug within the meaning of ORC 3715.64.
2. On or about March 30, 2017, the Board sent a Notice of Opportunity for Hearing to Michelle Hounshell, 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.
3. On or about April 13, 2017, Michelle Hounshell timely requested an administrative hearing, which was subsequently scheduled for January 10, 2018.

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

TERMS

77 South High Street, 17th Floor, Columbus, Ohio 43215



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. Michelle Hounshell neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated March 30, 2017; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Michelle Hounshell agrees to pay to the Board a monetary penalty in the amount of \$500.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
4. Michelle Hounshell must obtain, within 90 days from the effective date of this Agreement, 3 hours of approved continuing pharmacy education (0.3 CEUs) in medication errors and/or patient safety, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. Michelle Hounshell agrees to continue to participate in education and training in Best Practices.
6. Michelle Hounshell agrees to continue to participate in safety meetings.
7. Michelle Hounshell agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Michelle Hounshell understands that she has the right to be represented by counsel for review and execution of this agreement.
9. Michelle Hounshell 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.
10. Michelle Hounshell 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.
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. This Agreement shall become effective upon the date of the Board President's signature below.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties to this Agreement have executed it and/or cause it to be executed by their duly authorized representatives.

Approved by:

Michelle Hounshell
Michelle Hounshell, Respondent

9/27/17
Date of Signature

Mary Barley McBride
Mary Barley-McBride Attorney for Respondent

9.29.2017
Date of Signature

Megan E. Marshall, RPh
State of Ohio Board of Pharmacy

10/10/17
Date of Signature

Donna J. L. L.
Ohio Assistant Attorney General

10/11/2017
Date of Signature



**NOTICE OF OPPORTUNITY FOR HEARING
PROPOSAL TO TAKE DISCIPLINARY ACTION AGAINST LICENSEE**

IN THE MATTER OF:

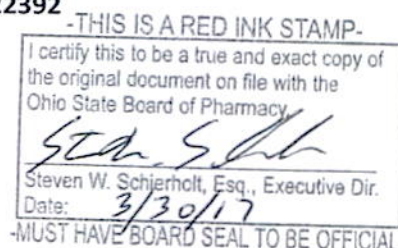
CASE NO. 2014-1787-B

Michelle Hounshell, RPh.
11625 Bank Road
Cincinnati, OH 45251

License No. 03-1-22392

March 30, 2017

Dear Michelle Hounshell,



You are hereby notified, in accordance with the provisions of Section 119.07 of the Ohio Revised Code the State of Ohio Board of Pharmacy (Board) proposes to take action against your license under authority of Section 4729.16 of the Revised Code, Chapter 4729-5-04 of the Administrative Code.

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code (ORC) and the rules adopted thereunder, the Board has the authority to revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card issued pursuant to Section 4729.07 through 4729.08 of the ORC to practice as a pharmacist in the state of Ohio. Additionally, Section 4729.16 of the Revised Code grants the Board the Authority to impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or \$500 if the violation committed does not bear a penalty in the Revised Code.
2. You are a licensed pharmacist in the state of Ohio under license number 03122392.

ALLEGATIONS

1. On or about January 6, 2014, you misbranded a drug within the meaning of ORC 3715.64, to wit: you received a prescription under prescription number 01400405-6240572 for clomiphene 50mg tablets for patient D.B. and caused another to dispense clomipramine 50mg capsules, which was not specifically prescribed by the physician.
2. On or about January 6, 2014, prior to dispensing the medication under prescription number 01400405-6240572, you did not conduct a prospective drug utilization review by failing to review patient D.B.'s profile for over utilization, incorrect drug dosage, duration or drug treatment and misuse. Patient D.B. was previously prescribed clomiphene on or about August 30, 2013.



3. During an interview with a Compliance Specialist, you confirmed that you made the error and confirmed that the error would have been caught had you performed a prospective drug utilization review.

POTENTIAL VIOLATIONS OF LAW

1. Such conduct as set forth in the Allegations section, if proven, constitutes a violation of Section 4729.08(B) of the ORC, good moral character and habits.
2. Such conduct as set forth in paragraphs (1) through (3) of the Allegations section, if proven, constitutes a violation of Section 3715.52(A)(1) of the ORC, sale or delivery of an adulterated or misbranded drug, a misdemeanor of the fourth degree, punishable by a maximum fine of \$250.
3. Such conduct as set forth in paragraphs (1) through (3) of the Allegations Section, if proven, constitutes a violation of Section 3715.64(A)(10)(d) of the ORC, Misbranding – the drug sold or dispensed is not the brand or drug specifically prescribed or ordered or, when dispensed by a pharmacist upon prescription, is neither the brand or drug prescribed nor a generically equivalent drug, a misdemeanor of the fourth degree, punishable by a maximum penalty of \$250.
4. Such conduct as set forth in paragraphs (1) through (3) of the Allegations section, if proven, also constitutes a violation of each of the following Sections of the ORC, each violation constituting a minor misdemeanor each punishable by a maximum fine of \$150:
 - a. Guilty of unprofessional conduct in the practice of pharmacy, ORC Section 4729.16(A)(2); and/or
 - b. Guilty of willfully violating, 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 provision; ORC Section 4729.16(A)(5).
5. Such conduct as set forth in paragraphs (1) through (3) of the Allegations section, if proven, constitutes a violations of the following Ohio Administrative Code (OAC), punishable by a maximum fine of \$500:
 - a. Not of good moral character and habits, OAC Rule 4729-5-04(C); and/or
 - b. Prospective drug utilization review, OAC Rule 4729-5-20.

YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the State of Ohio Board of Pharmacy, if you request such a hearing within thirty 30 days of the date of the mailing of this notice.

IF YOU DESIRE A HEARING, such request shall either be mailed to the State of Ohio Board of Pharmacy, Attn: Legal, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126 or an e-mail request may be sent to legal@pharmacy.ohio.gov (please note faxes will **not** be accepted). **YOUR REQUEST MUST BE RECEIVED ON OR PRIOR TO THE 30TH DAY FOLLOWING THE MAILING DATE OF THIS NOTICE.** Please note that if you submit a request via email, your request will be acknowledged within one business day of receipt. If you do not receive an acknowledgment, please contact the Board offices at 614-466-4143 and request the legal department. 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 30th day following the mailing of this notice, the State of Ohio Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

If you have questions regarding the Chapter 119. Administrative Hearing process, please e-mail your questions to legal@pharmacy.ohio.gov or call the Board office at 614-466-4143 and ask for the legal department.

BY ORDER OF THE STATE BOARD OF PHARMACY



Steven W. Schierholt, Esq., Executive Director

SWS/rlc

CMRRR: 7005 0390 0001 8571 8435

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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,

Michelle Hounshell
11625 Bank Rd
Cincinnati OH 45251-4400



9590 9402 2277 6225 9754 91

2. Article Number (Transfer from service label)

7005 0390 0001 8571 8435

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Michelle Hounshell* ☐ Agent
☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

4/11/16

Address different from item 1? ☐ Yes
Delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
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USPS TRACKING#



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First-Class Mail
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USPS
Permit No. G-10

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United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

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

OHIO BOARD OF PHARMACY

2017 APR 3

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