



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>

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-080716-009)

In The Matter Of:

MEGAN E. REES, R.Ph.
3915 Liriope Street
Canal Winchester, Ohio 43110
(R.Ph. No. 03-2-26547)

INTRODUCTION

THE MATTER OF MEGAN E. REES CAME FOR HEARING ON NOVEMBER 3, 2008, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: NATHAN S. LIPSYC, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; DONALD M. CASAR, R.Ph.; ELIZABETH I. GREGG, R.Ph.; BARTON G. KADERLY, PUBLIC MEMBER; RICHARD F. KOLEZYNSKI, R.Ph.; DEBORAH A. LANGE, R.Ph.; HEATHER L. PASQUALE, R.Ph.; AND JEROME J. WIESENHAHN, R.Ph.

MEGAN E. REES WAS REPRESENTED BY R. WILLIAM MEEKS. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

None

Respondent's Witnesses

1. Megan E. Rees, R.Ph., Respondent
2. Andrea Holstein, R.Ph.

State's Exhibits

1. Reinstatement Hearing Request letter from Megan E. Rees [07-16-08]
1A-1D. Procedurals
2. State Board of Pharmacy Order In Re Megan E. Rees [11-08-06]

Respondent's Exhibits

- A. Shepherd Hill Treatment Attendance Confirmation Letter [08-31-07]
- B. The Woods at Parkside Completion of Aftercare Confirmation Letter [12-19-07]
- C. PRO Pharmacist's Recovery Contract for Megan Rees [06-15-06]
- D. PRO Pharmacist's Recovery Contract for Megan Rees [11-21-06]
- E. Drug Screen Collection Sheets [10-19-06 to 10-16-08]

- F. FirstLab OHPRO Test History Report [01-01-06 to 10-25-08]
- G. Support Group Attendance Records [10-02-06 to 10-31-08]
- H. Entry Granting Defendant Intervention In Lieu Of Conviction, State of Ohio vs. Megan Rees, Case No. 06-CR-0324 [10-19-06]
- I. Letter from Fairfield County Probation Officer, Jordan Barnard [07-30-08]
- J. Restitution Documentation [12-26-05 to 07-19-07]
- K. Letter from Monte R. Black to R. William Meeks [07-22-08]
- L. Ohio Department of Taxation Certificate of Registration for Kilo's K-9 Kitchen [01-01-08]
- M. Continuing Pharmaceutical Education Credits and Certificates [04-30-06 to 10-20-08]
- N. Letter from Michael D. Quigley, R.Ph. [10-28-08]; Drug Screen Results [02-26-08 and 03-13-08]
- O. FirstLab Drug Test Explanation [10-29-08]
- P. Memorandum in Support of Reinstatement from R. William Meeks [not dated]

FINDING OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Megan E. Rees has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-051118-047, effective November 8, 2006.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-2-26547, held by Megan E. Rees to practice pharmacy in Ohio and places Megan E. Rees on probation for five years beginning on the effective date of this Order, with the following conditions:

(A) Megan E. Rees must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) approved treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the signed contract to the Board office before her pharmacist identification card is issued. The contract must provide that:

(1) **Random, observed** urine drug screens shall be conducted at least once each month for the first year and then at least once every three months for the remaining four years.

(a) 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.

(b) Results of all drug screens must be negative. Refusal of a urine screen or a diluted urine 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.

(2) The intervener/sponsor shall submit to the Board reports, 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.

(3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

(B) Megan E. Rees must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:

(1) The written report and documentation provided by the treatment program pursuant to the contract, and

(2) A written description of Megan E. Rees' progress towards recovery and what Megan E. Rees has been doing during the previous three months.

(C) Other terms of probation are as follows:

(1) The State Board of Pharmacy hereby declares that Megan E. Rees' pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.

(2) Megan E. Rees may not serve as a responsible pharmacist.

(3) Megan E. Rees may not destroy, assist in, or witness the destruction of controlled substances.

(4) Megan E. Rees must abide by the contract with her treatment provider and must immediately report any violation of the contract to the Board.

(5) Megan E. Rees must not violate the drug laws of Ohio, any other state, or the federal government.

(6) Megan E. Rees must abide by the rules of the State Board of Pharmacy.

(7) Megan E. Rees must comply with the terms of this Order.

(8) Megan E. Rees' license is deemed not in good standing until successful completion of the probationary period.

Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Megan E. Rees is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

Gregory Braylock moved for the Findings of Fact and the Decision of the Board; Deborah Lange seconded the motion. Motion passed (Aye-7/Nay-1).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of the ORIGINAL Notice of Appeal with the State Board of Pharmacy and a copy with the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: DECEMBER 10, 2008

By: _____
William T. Winsley, M.S., R.Ph., Executive Director

WTW/lp

CERTIFIED MAIL/Return Receipt
7004 2510 0001 7344 7863

c: Sally Ann Steuk, Assistant Attorney General
R. William Meeks, Attorney for Respondent; R. William Meeks Co., LPA; 511 South High Street;
Columbus, Ohio 43215



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>

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-051118-047

in the matter of:

MEGAN ELIZABETH REES, R.PH.
56 D South Westmoor Avenue
Newark, Ohio 43055

R.Ph. Number 03-2-26547

INTRODUCTION

The matter of Megan Elizabeth Rees came for hearing on October 11, 2006, before the following members of the Board: Gregory Braylock, R.Ph. (*presiding*); Suzanne R. Eastman, R.Ph.; Elizabeth I. Gregg, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin Mitchell, R.Ph. (recused); Heather L. Pasquale, R.Ph.; and Dorothy S. Teater, Public Member.

Megan Elizabeth Rees was represented by R. William Meeks. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses: Jesse Wimberly, Ohio State Board of Pharmacy
William L. Padgett, Ohio State Board of Pharmacy

Respondent's Witness: Megan Elizabeth Rees, R.Ph., Respondent

State's Exhibits:

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [11-18-05]
1A-1E. Procedurals
1F. Amendment Notice [06-28-06]
1G-1H. Procedurals
2. Application For Pharmacy Intern Registration, with attachment, for Megan Elizabeth Rees [04-17-00]
3. Notarized Statement of Megan Rees [11-09-05]
4. Rite Aid Intranet e-mail letter to Mike D. Bahmer from Megan E. Rees [08-17-05]
5. Five Accountability Statements completed at Rite Aid Pharmacy #2304 for the following drugs: hydrocodone 7.5/200 mg, hydrocodone/APAP 10/325 mg, hydrocodone/APAP 10/500 mg, hydrocodone/APAP 7.5/500 and alprazolam 2 mg [01-17-06]
6. DEA Report of Theft or Loss of Controlled Substances of Rite Aid Corporation #2304 [09-01-05]

7. Two Accountability Statements completed at CVS #6188 for the following drugs: hydrocodone/IBU 7.5/200 mg and hydrocodone/APAP 10/325 mg [12-20-05]
8. DEA Report of Theft or Loss of Controlled Substances of Hook-Super X dba CVS/Pharmacy #6188 [11-10-05]

Respondent's Exhibits:

- A. Record Sealed
- B. LabCorp Drug Screen Reports [12-19-05 to 04-24-06]
- C. Record Sealed
- D. Record Sealed
- E. Record Sealed
- F. Record Sealed
- G. Record Sealed
- H. Record Sealed
- I. Record Sealed
- J. PRO Pharmacist's Recovery Contract for Megan Rees [06-15-06]
- K. LabOne Drug Screen Reports [07-10-06 to 09-01-06]
- L. Support Group Attendance Records [04-30-06 to 10-01-06]
- M. Letter from Monte R. Black to Mr. R. William Meeks [09-06-06]
- N. Bill of Information, State of Ohio vs. Megan E. Rees, Case No. 2006 CR 00324, Fairfield County Common Pleas Court [08-23-06]
- O. Record Sealed

FINDINGS OF FACT

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

- (1) Records of the Board of Pharmacy indicate that Megan Elizabeth Rees was originally licensed by the State of Ohio as a pharmacist on October 28, 2004, pursuant to examination, and that Megan Elizabeth Rees' license to practice pharmacy in Ohio was summarily suspended effective November 18, 2005.
- (2) Megan Elizabeth Rees is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to wit: Megan Elizabeth Rees admitted to stealing controlled substances and used them because she liked the way they made her feel; Megan Elizabeth Rees admitted to consuming at least 1 to 2 hydrocodone tablets daily and as many as 12 per day on occasion; and, Megan Elizabeth Rees admitted that she is addicted to controlled substances. Such conduct indicates that Megan Elizabeth Rees is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) Megan Elizabeth Rees did, on or about November 2004 to August 2005, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Rite Aid #2304, beyond the scope of the express or implied consent of the owner, to wit: Megan Elizabeth Rees has admitted to stealing the following:

<u>Drug</u>	<u>Strength</u>	<u>Quantity</u>	<u>Schedule</u>	<u>Pharmacy</u>
hydrocodone/IBU	7.5/200 mg	3,219 tablets	CIII	Rite Aid #2304
hydrocodone/APAP	10/325 mg	959 tablets	CIII	Rite Aid #2304
hydrocodone/APAP	10/500 mg	278 tablets	CIII	Rite Aid #2304
hydrocodone/APAP	7.5/500 mg	75 tablets	CIII	Rite Aid #2304

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (4) Megan Elizabeth Rees did, on or about September 1, 2005 to November 9, 2005, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS #6188, beyond the scope of the express or implied consent of the owner, to wit: Megan Elizabeth Rees has admitted to stealing the following:

Drug	Strength	Quantity	Schedule	Pharmacy
hydrocodone/IBU	7.5/200 mg	200 tablets	CIII	CVS Pharmacy #6188
hydrocodone/APAP	10/325 mg	200 tablets	CIII	CVS Pharmacy #6188

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (5) Megan
Elizabeth Rees did, on or about unknown dates between October, 2004, through November, 2005, knowingly sell a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: without prescriptions and without a legitimate medical purpose, Megan Elizabeth Rees admittedly gave hydrocodone tablets to a friend on three different occasions. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (3) through (5) of the Findings of Fact constitute being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (3) through (5) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) The State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

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 Megan Elizabeth Rees on November 18, 2005.

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 identi-

fication card, No. 03-2-26547, held by Megan Elizabeth Rees and such suspension is effective as of the date of the mailing of this Order.

- (A) Megan Elizabeth Rees, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Megan Elizabeth Rees, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after two years from the effective date of this Order, the Board will consider any petition filed by Megan Elizabeth Rees 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:

- (A) Megan Elizabeth Rees must enter into a new contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, mail a copy of the contract to the Board office. The contract must provide that:
 - (1) Random, observed urine drug screens shall be conducted at least once each month.
 - (a) 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.
 - (b) 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.
 - (2) The intervener/sponsor shall submit to the Board reports, 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.
 - (3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Megan Elizabeth Rees must demonstrate satisfactory proof to the Board that she is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.
- (C) Megan Elizabeth Rees must provide, at the reinstatement petition hearing, documentation of the following:

- (1) Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug screen reports, meeting attendance records, treatment program reports, etc.);
- (2) Compliance with the payment of any outstanding restitution as ordered by Fairfield County Common Pleas Court.
- (3) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
- (4) Compliance with the terms of this Order.

(D) Upon such time as the Board may consider reinstatement, Megan Elizabeth Rees will be afforded a Chapter 119. hearing. At such time, the Board may consider reinstatement with or without restrictions and/or conditions as the Board deems appropriate under the circumstances.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-0/Recused-1).

MOTION CARRIED.

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with both the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: NOVEMBER 8, 2006