



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket Number D-100311-108)

In The Matter Of:

MELISSA ANNE TUMINO, R.Ph.

501 Lindberg Boulevard

Berea, Ohio 44017

(R.Ph. No. 03-3-21818)

INTRODUCTION

The Matter of Melissa Anne Tumino came for hearing on August 3, 2010, before the following members of the Board: Donald M. Casar, R.Ph., (presiding); Edward T. Cain, Public Member; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Deborah A. Lange, R.Ph.; Michael A. Moné, R.Ph.; Jerome J. Wiesenbahn, R.Ph. and Lori L. Woodson, R. Ph.

Richard F. Kolezynski, R.Ph., Recused.

Melissa Anne Tumino was represented by Robert J. Garrity. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Greg Whitney, Ohio State Board of Pharmacy
2. Melissa Anne Tumino, R.Ph., Respondent

Respondent's Witness:

1. Melissa Anne Tumino, R.Ph., Respondent

State's Exhibits:

1. Copy of Summary Suspension Order/Notice of Opportunity for Hearing letter [03-11-10] 1A-1D. Procedurals
2. Copy of notarized statement of Melissa Tumino [03-02-10]
3. Copy of Evidence/Property bag containing APAP/codeine pill found in Melissa Tumino's smock [03-02-10]
4. Copy of Evidence/Property bag containing one empty stock bottle of butalbital/APAP/caffeine [03-02-10]
5. Copy of Evidence/Property bag containing Giant Eagle prescription bottle containing diazepam and butalbital/APAP/caffeine found in Melissa Tumino's car [03-02-10]
6. Notarized statement of Rhonda L. Taylor [03-03-10]
7. Statement of Rebecca A. Kennelly [02-26-10]

8. Three Drug Accountability Statements at Marc's Pharmacy #12 for butalbital/APAP/caffeine 50/325/40 tablets; acetaminophen/codeine #4 325/60 mg; diazepam 5 mg; diazepam 10 mg [03-29-10]
9. Photographs of theft of drugs by Melissa Tumino [02-28-10]

Respondent's Exhibits:

- A. Pharmacists Rehabilitation Organization Inc. treatment contract for Melissa Tumino; PRO Pharmacist's Recovery Contract [04-25-10]
- B. Chemical dependency/mental health treatment documentation for Melissa Tumino [04-14-10 to 07-19-10]
- C. Support group attendance records [05-02-10 to 07-28-10]; Support group calendars [June and July 2010]
- D. Urine drug screen results Flowsheet Print Request [01-23-10 to 07-23-10]; FirstLab OHPRO Test History Report [06-28-10 and 07-20-10]
- E. Newspaper articles of family issues [10-30-08 to 12-30-08]; University Hospitals Health Systems patient chart note in re Brady Tumino [02-23-06]; Daily list of Brady's Care/Needs [05-05-10 to 05-10-10]; Intake Assessment Behavioral Health-Text in re Melissa A. Tumino [04-15-10]
- F. Continuing pharmacy education certificate and documentation [04-25-10]
- G. Resume of Melissa A. Tumino, R.Ph. [not dated]
- H. Six letters of support [01-15-07 to 07-31-10]

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 Melissa Anne Tumino was originally licensed in the State of Ohio on July 30, 1996, pursuant to examination, and her license to practice pharmacy in Ohio was summarily suspended on March 11, 2010. Records further reflect that Melissa Anne Tumino was previously disciplined by the Board on October 11, 2007.
- (2) Melissa Anne Tumino 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: Melissa Anne Tumino has admitted to Board agents that she is addicted to the use of controlled substances. Further, Melissa Anne Tumino has admitted to stealing the following controlled substances from her employer: diazepam, APAP with codeine, and the dangerous drug butalbital. Melissa Anne Tumino indicated that she would steal drugs every other time she worked, approximating her thefts at 300 APAP with codeine #4, 300 butalbital with acetaminophen and caffeine, and 200 diazepam 5 and/or 10 mg. Such conduct indicates that Melissa Anne Tumino is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) Melissa Anne Tumino did, on or about March 2, 2010, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Marc's Pharmacy #12, beyond the express or implied consent of the owner, to wit: Melissa Anne Tumino was observed, and she admitted to, stealing diazepam 5 mg, a

Schedule IV Controlled Substance and APAP/codeine #4, a Schedule III controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (4) Melissa Anne Tumino did, on or about March 2, 2010, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Marc's Pharmacy #12, beyond the express or implied consent of the owner, to wit: Melissa Anne Tumino was observed, and she admitted to, stealing butalbital with acetaminophen and caffeine, a dangerous drug. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (3) and (4) of the Findings of Fact constitute being guilty of 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) and (4) 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 him/her unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of Melissa Anne Tumino as follows:

(A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-3-21818, held by Melissa Anne Tumino effective as of the date of the mailing of this Order.

(B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-3-21818, held by Melissa Anne Tumino effective as of the date of the mailing of this Order.

(C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-3-21818, held by Melissa Anne Tumino effective as of the date of the mailing of this Order.

Melissa Anne Tumino, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her license to practice (pocket ID card) and registration (wall certificate) to the office of the

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Order of the Board

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.

Deborah Lange moved for Findings of Fact; Troy Gahm seconded the motion. Motion passed (Aye-7/Nay-0).

Troy Gahm moved for Conclusions of Law; Lori Woodson seconded the motion. Motion passed (Aye-7/Nay-0).

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

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: SEPTEMBER 17, 2010

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



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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

March 11, 2010

Melissa Anne Tumino, R.Ph.

501 Lindberg Boulevard

Berea, Ohio 44017

Re: Ohio Registered Pharmacist

License No. 03-3-21818

Dear Ms. Tumino:

In accordance with Section 3719.121(A) of the Ohio Revised Code, the Board has determined that you are addicted to the use of controlled substances. 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 July 30, 1996, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio. Records further reflect that you were previously disciplined by the Board on October 11, 2007.
- (2) You are addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: you have admitted to Board agents that you are addicted to the use of controlled substances. Further, you have admitted to stealing the following controlled substances from your employer: diazepam, APAP with codeine, and the dangerous drug butalbital. You indicated that you would steal drugs every other time you worked, approximating your thefts at 300 APAP with codeine #4, 300 butalbital with acetaminophen and caffeine, and 200 diazepam 5 and/or 10 mg. Such conduct indicates that you are within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) You did, on or about March 2, 2010, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Marc's Pharmacy #12, beyond the express or implied consent of the owner, to wit: you were observed, and you admitted to, stealing diazepam 5 mg, a Schedule IV Controlled Substance and APAP/codeine #4, a Schedule III controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (4) You did, on or about March 2, 2010, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Marc's Pharmacy #12, beyond the express or implied consent of the owner, to wit: you were observed, and you admitted to, stealing butalbital with acetaminophen and caffeine, a dangerous drug. Such

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Summary Suspension

conduct is in violation of Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

YOU ARE HEREBY NOTIFIED that Section 3719.121(A) of the Ohio Revised Code states, in pertinent part: "any ... pharmacist, ... who is or becomes addicted to the use of controlled substances, shall be suspended by the board that authorized the person's license, certificate, or registration..."

WHEREFORE, PURSUANT TO SECTION 3719.121(A) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO IS 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 an adjudicatory hearing has been held pursuant to Chapter 119. of the Revised Code, and a final Order has been issued, 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.

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Summary Suspension

(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.

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 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 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

MARCH 11, 2010

William T. Winsley, M.S., R.Ph.

Executive Director



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-070111-025)

In The Matter Of:

MELISSA ANNE TUMINO, R.Ph.

501 Lindberg Boulevard

Berea, Ohio 44017

(R.Ph. No. 03-3-21818)

INTRODUCTION

THE MATTER OF MELISSA ANNE TUMINO CAME FOR HEARING ON SEPTEMBER 12, 2007, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: GREGORY BRAYLOCK, R.Ph. (presiding); ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; HEATHER L. PASQUALE, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JEROME J. WIESENHAHN, R.Ph.

MELISSA ANNE TUMINO WAS REPRESENTED BY EDWARD S. MOLNAR. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness

1. Timothy J. Benedict, R.Ph., Ohio State Board of Pharmacy

Respondent's Witness

1. Melissa Ann Tumino, R.Ph., Respondent

State's Exhibits

1. Amended Notice of Opportunity For Hearing letter [02-02-07]
1A-1E. Procedurals
2. Notarized Statement of Melissa Tumino [08-31-06]
3. Statement of Melissa Tumino [08-31-06]
4. Notarized Statement of Mandy Yates [09-25-06]
5. Rx #543460 [08-10-06]
5A. Rx #543463 [08-10-06]
5B. Rx #C543508 [08-10-06]
5C. Rx #543509 [08-10-06]
5D. Rx #481562 [11-21-05]
5E. Rx #481565 [11-21-05]

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5F. Rx #465391 [09-14-05]

5G. Rx #430576 [04-11-05]

6. Indictment, State of Ohio vs. Mellisa (Sic) Tumino, Case No. CR 495439, Cuyahoga County Common Pleas Court [04-26-07]; Journal Entry [05-10-07]; Journal Entry [06-15-07]

Respondent's Exhibits

A1. Copy of E-mailed letter from Melissa Tumino to Father Bonnell [05-14-07]

B2. CVS/pharmacy Certificate of Achievement [not dated]

C3. Medical Records for Melissa Tumino [01-16-04]

D4. Copy of letter from Jamie Kopacz, LPTA and Corrie Long, MPT to Dr. Cooperman [05-16-06]; Medical Records for Brady Tumino [04-28-06 to 09-20-06]

E5. Medical Record for Brady Tumino [02-20-06]

F6. Progress Reports for Brady Tumino [02-23-06 and 08-29-06]

G7. Progress Reports for Melissa Tumino [08-07-05 to 08-10-05]

H8. Copy of letter from Robert Blankfield, MD, MS to Edward Molnar [04-15-07]

I9. Restitution Documentation [06-26-07 and 07-20-07]

J10. Four Letters of Support [01-15-07 to 07-23-07]

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 Melissa Anne Tumino was originally licensed by the State of Ohio as a pharmacist on July 30, 1996, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.

(2) Melissa Anne Tumino did, on or about August 10, 2006, intentionally create and/or knowingly possess a false or forged prescription, to wit: Melissa Anne Tumino created Rx #543460, written for herself as the patient, without the authorization of a prescriber. Melissa Anne Tumino obtained 90 tablets of clonidine HCL 0.1 mg from the use of this document. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(3) Melissa Anne Tumino did, on or about August 10, 2006, intentionally create and/or knowingly possess a false or forged prescription, to wit: Melissa Anne Tumino created Rx #543463, written for herself as the patient, without the authorization of a prescriber. Melissa Anne Tumino obtained 90 tablets of ibuprofen 800 mg from the use of this document. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(4) Melissa Anne Tumino did, on or about August 10, 2006, intentionally create and/or knowingly possess a false or forged prescription, to wit: Melissa Anne Tumino created Rx #C543508, without the authorization of a prescriber. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(5) Melissa Anne Tumino did, on or about August 10, 2006, intentionally create and/or knowingly possess a false or forged prescription, to wit: Melissa Anne Tumino created

Rx #543509, without the authorization of a prescriber. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(6) Melissa Anne Tumino did, on or about November 21, 2005, intentionally create and/or knowingly possess a false or forged prescription, to wit: Melissa Anne Tumino created Rx #481562, written for herself as the patient, without the authorization of a prescriber. Melissa Anne Tumino obtained 60 tablets of ranitidine 300 mg from the use of this document. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(7) Melissa Anne Tumino did, on or about November 21, 2005, intentionally create and/or knowingly possess a false or forged prescription, to wit: Melissa Anne Tumino created Rx #481565, written for her husband, Joseph Tumino, without the authorization of a prescriber. Melissa Anne Tumino obtained 120 tablets of ranitidine 150 mg from the use of this document. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(8) Melissa Anne Tumino did, on or about September 14, 2005, intentionally create and/or knowingly possess a false or forged prescription, to wit: Melissa Anne Tumino created Rx #465391, written for herself as the patient, without the authorization of a prescriber. Melissa Anne Tumino obtained 120 tablets of ranitidine 150 mg from the use of this document. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(9) Melissa Anne Tumino did, on or about April 11, 2005, intentionally create and/or knowingly possess a false or forged prescription, to wit: Melissa Anne Tumino created Rx #430576, written for her husband as the patient, without the authorization of a prescriber. Melissa Anne Tumino obtained 120 tablets of ranitidine 150 mg from the use of this document. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(10) Melissa Anne Tumino did, from April 11, 2005, through August 10, 2006, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS/Pharmacy, beyond the express or implied consent of the owner, to wit: Melissa Anne Tumino admittedly stole \$404.00 worth of drugs from her employer. Melissa Anne Tumino obtained the drugs by filling forged prescriptions and then billing CVS, a self-insurer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (2) through (10) of the Findings of Fact constitute being guilty of 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 (2) through (10) 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.

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(3) The State Board of Pharmacy concludes that paragraph (10) of the Findings of Fact constitutes having been convicted of a misdemeanor related to, or committed in, the practice of pharmacy as provided in Division (A)(4) of Section 4729.16 of the Ohio Revised Code.

(4) The State Board of Pharmacy concludes that paragraphs (2) through (9) of the Findings of Fact constitute 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 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby places Melissa Anne Tumino on probation for five years from the effective date of this Order. The terms of probation are as follows:

(A) Melissa Anne Tumino must maintain treatment until she is released by her physician and her physician must provide semi-annual progress reports to the Board on her condition and progress.

(B) Melissa Anne Tumino must obtain, within six months from the effective date of this Order, two hours of continuing pharmacy education (0.2 CEUs) in Jurisprudence, which may not also be used for license renewal.

(C) Other terms of probation are:

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

(2) Melissa Anne Tumino may not serve as a responsible pharmacist.

(3) Melissa Anne Tumino must notify any employers of this Order.

(4) 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.

(5) Melissa Anne Tumino must not violate the drug laws of Ohio, any other state, or the federal government.

(6) Melissa Anne Tumino must abide by the rules of the State Board of Pharmacy.

(7) Melissa Anne Tumino must comply with the terms of this Order.

(8) Melissa Anne Tumino's license is deemed to be not in good standing until successful completion of the probationary period.

MELISSA ANNE TUMINO, R.Ph.

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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.

The Board hereby imposes the following condition upon Melissa Anne Tumino's practice of pharmacy: Melissa Anne Tumino may not dispense prescriptions for herself or for immediate members of her family.

Melissa Anne Tumino 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.

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

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 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: OCTOBER 11, 2007