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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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
VOLUNTARY SURRENDER WITH DISCIPLINARY ACTION PENDING
PERMANENT SURRENDER
(Case No. 2014-1069)

In The Matter Of:

Andrea Lynn Holstein, R.Ph.
5771E Heathstead Drive
Dublin, Ohio 43016
(R.Ph. Number 03-3-25659)

This Settlement Agreement is entered into by and between Andrea Lynn Holstein 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.

Andrea Lynn Holstein voluntarily 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, and the right to appeal.

Andrea Lynn Holstein knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against her and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Andrea Lynn Holstein's license to practice pharmacy in the State of Ohio, this Agreement is entered into on the basis of the following stipulations, admissions, and understandings:

(A) 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.

(B) Andrea Lynn Holstein neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter dated January 17, 2014; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Andrea Lynn Holstein knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(1) Records of the Board of Pharmacy indicate that Andrea Lynn Holstein was originally licensed in the State of Ohio on May 13, 2003, pursuant to

reciprocity, and her license to practice pharmacy in the State of Ohio was summarily suspended effective January 17, 2014. During the relevant time period stated herein Andrea Lynn Holstein was the Responsible Pharmacist at Phillip's Pharmacy pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Section 4729-5-11 of the Ohio Administrative Code. Records further reflect that Andrea Lynn Holstein was previously disciplined by this Board on November 9, 2005.

(2) Andrea Lynn Holstein 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: Andrea Lynn Holstein has admitted to a Board agent that she is addicted to controlled substances and has been stealing same from the pharmacy where she worked. Andrea Lynn Holstein has admitted to abusing hydrocodone/APAP 10/325 mg. while conducting the practice of pharmacy between December 1, 2013 and January 16, 2014. Andrea Lynn Holstein was further observed stealing hydrocodone products, ingesting them in the pharmacy and later appeared impaired while working. Andrea Lynn Holstein acknowledges that she has an opiate addiction, for which she has been previously disciplined by the Board, and that Andrea Lynn Holstein began stealing and consuming hydrocodone products again in December, 2013. Such conduct indicates that Andrea Lynn Holstein is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.

(3) Andrea Lynn Holstein did, between December 1, 2013 and January 16, 2014, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Phillips Pharmacy, beyond the scope of consent of the owner, to wit: Andrea Lynn Holstein admittedly stole approximately 20-25 hydrocodone 10/325 mg. tablets, a schedule III controlled substance. Such conduct is in violation of Section 2913.02 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, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Andrea Lynn Holstein knowingly and voluntarily **SURRENDERS PERMANENTLY TO THE STATE BOARD OF PHARMACY HER LICENSE AND REGISTRATION TO PRACTICE PHARMACY, WITH DISCIPLINARY ACTION PENDING, AND IS PRECLUDED FROM MAKING ANY APPLICATION FOR FURTHER REGISTRATION.**

Pursuant to Rule 4729-9-01, Andrea Lynn Holstein may not be employed by or work in any facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs.

Andrea Lynn Holstein 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.

Andrea Lynn Holstein, R.Ph.
Settlement Agreement

Andrea Lynn Holstein 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. Andrea Lynn Holsein waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

Andrea Lynn Holstein must return the identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Agreement 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.

This Settlement Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the date of the Board President's signature below.

Andrea Lynn Holstein, R.Ph., Respondent — 3-18-14 Date of Signature

Kevin J. Mitchell, R.Ph., President, Ohio State Board of Pharmacy — MAY 14 Date of Signature

Charissa D. Payer, Ohio Assistant Attorney General — 5/6/2014 Date of Signature

OHIO STATE BOARD OF PHARMACY

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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

January 17, 2014

Andrea Lynn Holstein, R.Ph.
5771E Heathstead Drive
Dublin, Ohio 43016

Re: Ohio Registered Pharmacist
License No. 03-3-25659

Dear Miss Holstein:

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. Further, 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 May 13, 2003, pursuant to reciprocity, and are currently licensed to practice pharmacy in the State of Ohio. During the relevant time period stated herein you were the Responsible Pharmacist at Phillip's Pharmacy pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Section 4729-5-11 of the Ohio Administrative Code. Records further reflect that you were previously disciplined by this Board on November 9, 2005.

(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 a Board agent that you are addicted to controlled substances and have been stealing same from the pharmacy where you worked. You have admitted to abusing hydrocodone/APAP 10/325 mg. while conducting the practice of pharmacy between December 1, 2013 and January 16, 2014. You were further observed stealing hydrocodone products, ingesting them in the pharmacy and later appeared impaired while working. You acknowledge that you have an opiate addiction, for which you have been previously disciplined by the Board, and that you began stealing and consuming hydrocodone products again in December, 2013. 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, between December 1, 2013 and January 16, 2014, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Phillips Pharmacy, beyond the scope of consent of the owner, to wit: you admittedly stole approximately 20-25 hydrocodone 10/325 mg. tablets, 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.
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..."

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 SECTIONS 3719.121(A) and (B) 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;

(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 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

Kyle W. Parker, M.B.A., R.Ph.
Executive Director

KWP/ljp (Case Number 2014-1069)

REGISTERED MAIL / Return Receipt
Re 946 607 065 US

c: Charissa Payer, Assistant Attorney General

OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-060512-075)

In The Matter Of:

ANDREA LYNN HOLSTEIN, R.Ph.
4766 Vista Ridge Drive
Dublin, Ohio 43017

(R.Ph. No. 03-3-25659)

INTRODUCTION

THE MATTER OF ANDREA LYNN HOLSTEIN CAME FOR HEARING ON JANUARY 10, 2007, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JAMES E. TURNER, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph., (RECUSED); SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; AND DOROTHY S. TEATER, PUBLIC MEMBER.

ANDREA LYNN HOLSTEIN WAS NOT REPRESENTED BY COUNSEL. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

None

Respondent's Witnesses

1. Andrea Lynn Holstein, R.Ph., Respondent
2. Alan Horvath, R.Ph.

State's Exhibits

1. Reinstatement Hearing Request letter from Andrea Lynn Holstein [05-11-06]
1A-1C. Procedurals
2. State Board of Pharmacy Order In Re Andrea Lynn Holstein [11-09-05]
3. Notarized Statement of Andrea L. Holstein, R.Ph. [02-02-05]

Respondent's Exhibits

A. Two PRO Pharmacist's Recovery Contract's for Andrea Holstein [05-01-05 and 11-15-05]
B. Support Group Attendance Records [02-07-05 to 01-09-07]; Calendar pages for February 2005 to December 2006
C. Letter to the Ohio State Board of Pharmacy from Michael D. Quigley, R.Ph. [10-03-05]; Drug Screen Reports [05-27-05 to 12-21-06]; Calendar pages for September 2005 to December 2006
D. Continuing Pharmaceutical Education Credits and Certificates [03-10-04 to 11-12-06]

E. Reinstatement Hearing Request [05-11-06]; Hearing Schedule letter [06-29-06]; State Board of Pharmacy Order in re Andrea Lynn Holstein, R.Ph. [11-09-05]; Notarized Statement of Andrea L. Holstein, R.Ph. [02-02-05]; Hearing Schedule letter with United States Postal Service Certified Mail Return Receipt for Article No. 7001 0360 0002 4139 7256 [05-12-06]; Hearing Continuance letter with United States Postal Service Certified Mail Return Receipt for Article No. 7003 0500 0002 4340 9241 [06-29-06]; Pharmacist computer record of Andrea Lynn Holstein dated 12-12-06; Twenty-three Letters of Support [09-25-05 to 01-08-07]; Restitution Documentation [02-24-05 to 01-18-06]; Copy of Visa Account Summary [09-26-05]

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 that Andrea Lynn Holstein has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-050210-046, effective November 9, 2005.

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. 03-3-25659, held by Andrea Lynn Holstein to practice pharmacy in Ohio and places Andrea Lynn Holstein on probation for five years beginning on the effective date of this Order, with the following conditions:

(A) Andrea Lynn Holstein 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) Andrea Lynn Holstein 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 Andrea Lynn Holstein 's progress towards recovery and what Andrea Lynn Holstein 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 Andrea Lynn Holstein '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) Andrea Lynn Holstein may not serve as a responsible pharmacist.

(3) Andrea Lynn Holstein may not destroy, assist in, or witness the destruction of controlled substances.

(4) Andrea Lynn Holstein must abide by the contract with her treatment provider and must immediately report any violation of the contract to the Board.

(5) Andrea Lynn Holstein must not violate the drug laws of Ohio, any other state, or the federal government.

(6) Andrea Lynn Holstein must abide by the rules of the State Board of Pharmacy.

(7) Andrea Lynn Holstein must comply with the terms of this Order.

(8) Andrea Lynn Holstein's 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.
Andrea Lynn Holstein 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 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: **February 8, 2007**

By: _____

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 Number D-050210-046)

In The Matter Of:

ANDREA LYNN HOLSTEIN, R.Ph.
4766 Vista Ridge Drive
Dublin, Ohio 43017
(R.Ph. No. 03-3-25659)

INTRODUCTION

THE MATTER OF ANDREA LYNN HOLSTEIN CAME FOR HEARING ON OCTOBER 12, 2005, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE R. EASTMAN, R.Ph. (presiding); ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

ANDREA LYNN HOLSTEIN WAS REPRESENTED BY ANTHONY M. HEALD. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness:

1. Christopher K. Reed, Ohio State Board of Pharmacy

Respondent's Witness:

1. Andrea L. Holstein, R.Ph., Respondent

State's Exhibits:

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [02-10-05]
1A-1E. Procedurals
2. Notarized Statement of Andrea L. Holstein [02-02-05]
3. Drug Accountability Statement at Walgreens #06116 for hydrocodone/APAP 10/500 mg [01-09-05]
4. Drug Accountability Statement at Walgreens #06116 for hydrocodone/APAP 10/325 mg [01-09-05]
5. Drug Accountability Statement at Walgreens #06116 for Ambien 10 mg [01-09-05]
6. Vial of thirteen hydrocodone/APAP 10/325 mg tablets [not dated]
7. Vial of four Phentermine HCL 37.5 mg tablets [not dated]
8. Vial of nine carisoprodol 350 mg tablets [not dated]
9. Four photographs of Andrea L. Holstein [01-10-05]
10. Four photographs of Andrea L. Holstein [01-19-05]
11. Notarized Statement of Jason Christopher Stoner [02-02-05]

12. Rx #65504 [12-01-03]; Rx #69804 [02-08-04]; Rx #78145 [06-27-04]; Rx #80329 [07-30-04]; Rx #81317 [08-16-04]; Rx #92233 [01-24-05]

Respondent's Exhibits:

A1. PRO Pharmacist's Recovery Contract for Andrea Holstein [05-01-05]
A2. Support Group Attendance Records [02-07-05 to 10-11-05]; Calendar pages for February 2005 to October 2005
A3. Letter from Michael D. Quigley, R.Ph. [10-03-05]; Compass Vision Licensee Summary Report [05-27-05 to 08-26-05]; Two-page Compass Vision Drug Panel [not dated]; Northwest Toxicology Drug Screen Reports [09-13-05 and 09-26-05]; National Medical Services Drug Screen Reports [05-27-05 to 08-26-05]; LabOne Drug Screen Reports [09-13-05 to 09-26-05]
A4. Continuing Pharmaceutical Education Credits and Certificates [08-20-03 to 05-01-05]
A5. Visa Account Statement showing payment to Civil Recovery Services [03-01-05]; Civil Recovery Services Demand for Payment letter [02-24-05]; Treatment Progress letter from Edna M. Jones, M.D. [09-25-05]; Support Group Attendance Records [04-25-05 to 10-10-05] Seventeen letters of Support [09-26-05 to 10-07-05]

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 Andrea Lynn Holstein was originally licensed by the State of Ohio on May 13, 2003, pursuant to reciprocity, and that her license to practice pharmacy in Ohio was Summarily Suspended effective February 10, 2005.

(2) Andrea Lynn Holstein is abusing drugs and/or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to wit: Andrea Lynn Holstein has admitted to a Board agent that she has been stealing controlled substances and abusing them while practicing pharmacy, and Andrea Lynn Holstein has admitted to forging prescriptions to cover for thefts of drugs. Such conduct, indicates that Andrea Lynn Holstein falls within the ambit of Sections 3719.121 and 4729.16(A)(3) of the Ohio Revised Code.

(3) Andrea Lynn Holstein did, from June 10, 2004, through January 9, 2005, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Walgreens, by deception, to wit: Andrea Lynn Holstein has admitted to stealing the following controlled substances:

Date	Drug	Qty
06/10/04 to 01/09/05	hydrocodone/APAP 10/500 mg	196
06/10/04 to 01/09/05	hydrocodone/APAP 10/325 mg	379
06/10/04 to 01/09/05	Ambien 10 mg	11

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

(4) Andrea Lynn Holstein did, on or about the following dates, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of

Walgreens, by deception, to wit: Andrea Lynn Holstein was observed on video camera, and Andrea Lynn Holstein has admitted to stealing the following drugs:

Date	Drug	Qty
01/10/05	hydrocodone/APAP 10/325 mg	32
01/19/05	hydrocodone/APAP 10/325 mg	27
01/19/05	Ambien 10 mg	14
01/24/05	hydrocodone/APAP 10/325 mg	17
02/02/05	hydrocodone/APAP 10/325 mg	21
02/02/05	phentermine HCL 37.5 mg	4
02/02/05	carisoprodol 350 mg	9

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

(5) Andrea Lynn Holstein did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: Andrea Lynn Holstein forged the following documents so as to cover for thefts of the drugs:

Rx#	Drug	Qty	Date
65504	hydrocodone/APAP 10/325 mg	30	12/01/03
69804	hydrocodone/APAP 10/325 mg	30	02/08/04
78145	hydrocodone/APAP 10/325 mg	30	06/27/04
80329	hydrocodone/APAP 10/325 mg	30	07/30/04
81317	hydrocodone/APAP 10/325 mg	30	08/16/04
92233	hydrocodone/APAP 10/325 mg	30	01/24/05

Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

(6) Andrea Lynn Holstein did, on or about the following dates, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Walgreens, by deception, to wit: Andrea Lynn Holstein has admitted to stealing the following controlled substances after forging the documents to cover the thefts:

Rx#	Drug	Qty	Date
65504	hydrocodone/APAP 10/325 mg.	30	12/01/03
69804	hydrocodone/APAP 10/325 mg	30	02/08/04
78145	hydrocodone/APAP 10/325 mg	30	06/27/04
80329	hydrocodone/APAP 10/325 mg	30	07/30/04
81317	hydrocodone/APAP 10/325 mg	30	08/16/04
92233	hydrocodone/APAP 10/325 mg	30	01/24/05

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) through (6) 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) through (6) 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 Andrea Lynn Holstein on February 10, 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 identification card, No. 03-3-25659, held by Andrea Lynn Holstein and such suspension is effective as of the date of the mailing of this Order.

(A) Andrea Lynn Holstein, 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) Andrea Lynn Holstein, 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 one year from the effective date of this Order, the Board will consider any petition filed by Andrea Lynn Holstein 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) Andrea Lynn Holstein 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, upon signing, submit 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) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

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

(B) Andrea Lynn Holstein 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) Andrea Lynn Holstein 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 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;

(3) Compliance with the terms of this Order.

(D) If reinstatement is not accomplished within three years of the effective date of this Order, Andrea Lynn Holstein must also show successful completion of the NAPLEX and MPJE examinations or equivalent examinations approved by the Board.

(E) Upon such time as the Board may consider reinstatement, Andrea Lynn Holstein 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).

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 filing 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: **NOVEMBER 9, 2005**
By: _____
William T. Winsley, M.S., R.Ph., Executive Director

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

February 10, 2005

Andrea Lynn Holstein, R.Ph.
4766 Vista Ridge Drive
Dublin, Ohio 43017

Re: Ohio Registered Pharmacist
Number 03-3-25659

Dear Ms. Holstein:

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 May 13, 2003, pursuant to reciprocity, and are currently licensed to practice pharmacy in the State of Ohio.

(2) You are 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 a Board agent that you have been stealing controlled substances and abusing them while practicing pharmacy, and you have admitted to forging prescriptions to cover for thefts of drugs. Such conduct, if proven, indicates that you fall within the ambit of Sections 3719.121 and 4729.16(A)(3) of the Ohio Revised Code.

(3) You did, from June 10, 2004, through January 9, 2005, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Walgreens, by deception, to wit: you have admitted to stealing the following controlled substances:

Date	Drug	Qty
06/10/04 to 01/09/05	hydrocodone/APAP 10/500 mg	196
06/10/04 to 01/09/05	hydrocodone/APAP 10/325 mg	379
06/10/04 to 01/09/05	Ambien 10 mg	11

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 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 the following dates, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Walgreens, by deception, to wit: you were observed on video camera, and you have admitted to stealing the following drugs:

Date	Drug	Qty
01/10/05	hydrocodone/APAP 10/325 mg	32
01/19/05	hydrocodone/APAP 10/325 mg	27
01/19/05	Ambien 10 mg	14
01/24/05	hydrocodone/APAP 10/325 mg	17
02/02/05	hydrocodone/APAP 10/325 mg	21
02/02/05	phentermine HCL 37.5 mg	4
02/02/05	carisoprodol 350 mg	9

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 dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

(5) You did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: you forged the following documents so as to cover for thefts of the drugs:

Rx#	Drug	Qty	Date
65504	hydrocodone/APAP 10/325 mg	30	12/01/03
69804	hydrocodone/APAP 10/325 mg	30	02/08/04
78145	hydrocodone/APAP 10/325 mg	30	06/27/04
80329	hydrocodone/APAP 10/325 mg	30	07/30/04
81317	hydrocodone/APAP 10/325 mg	30	08/16/04
92233	hydrocodone/APAP 10/325 mg	30	01/24/05

Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code, and if proven constitutes being guilty of a felony or gross immorality; dishonesty or unprofessional conduct in the practice of pharmacy; and/or guilty of willfully violating provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

(6) You did, on or about the following dates, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Walgreens, by deception, to wit: you have admitted to stealing the following controlled substances after forging the documents to cover the thefts:

Rx#	Drug	Qty	Date
65504	hydrocodone/APAP 10/325 mg.	30	12/01/03
69804	hydrocodone/APAP 10/325 mg	30	02/08/04
78145	hydrocodone/APAP 10/325 mg	30	06/27/04

Andrea Lynn Holstein, R.Ph
Summary Suspension

Rx#	Drug	Qty	Date
80329	hydrocodone/APAP 10/325 mg	30	07/30/04
81317	hydrocodone/APAP 10/325 mg	30	08/16/04
92233	hydrocodone/APAP 10/325 mg	30	01/24/05

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 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(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.

IF YOU REQUEST A HEARING within thirty (30) days of the time of the mailing of this notice, such will be afforded. 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 HEREBY ADVISED that if you do not request such a hearing within thirty (30) days of the mailing of this notice, the 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 (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

_____

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

WTW:lf (D-050210-046)

CERTIFIED MAIL/Return Receipt
7003 0500 0002 4347 4713
cc: Sally Ann Steuk, Assistant Attorney General