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STATE BOARD OF PHARMACY; 77 SOUTH HIGH STREET, ROOM 1702; COLUMBUS, OHIO 43215-6126  
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## **Minutes Of The Meeting**

Ohio State Board of Pharmacy  
January 5 & 6, 2004

### **MONDAY, JANUARY 5, 2004**

10:04 a.m. ROLL CALL

The State Board of Pharmacy convened in Room West-B&C, 31st Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio with the following members present:

Robert P. Giacalone, R.Ph. (President); Lawrence J. Kost, R.Ph. (Vice-President); Diane C. Adelman, R.Ph.; Gregory Braylock, R.Ph.; Suzanne R. Eastman, R.Ph.; Elizabeth I. Gregg, R.Ph.; Nathan S. Lipsyc, R.Ph.; Dorothy S. Teater, Public Member; and James E. Turner, R.Ph.

Also present were William T. Winsley, Executive Director; Timothy Benedict, Assistant Executive Director; William McMillen, Licensing Administrator; David Rowland, Legal Affairs Administrator; Robert Cole, Compliance Supervisor; and Sally Ann Steuk, Assistant Attorney General.

**R-2004-107** Mr. Winsley announced that the meeting scheduled for Wednesday, January 7, 2004 would not be held as the hearings scheduled for that date had been continued. He also announced that, in accordance with the wishes of the Board, the May 3, 2004 meeting would be held at the University of Cincinnati rather than in Columbus. The meetings scheduled for May 4 and 5, 2004 would still be held in Columbus.

Mr. Rowland announced that the following settlement agreement had been signed by all parties and was effective upon the signature of the Board President:

**R-2004-108**

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**  
(Docket No. D-030910-008)

In The Matter Of:

**SAM J. POSTOLSKI, R.Ph.**  
5 Clark Avenue  
Cincinnati, Ohio 45215  
(R.Ph. No. 03-2-09642)

This Settlement Agreement is entered into by and between Sam J. Postolski 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.

Sam J. Postolski voluntarily enters into this Agreement being fully informed of his rights afforded

under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Sam J. Postolski acknowledges that by entering into this agreement he has waived his rights under Chapter 119. of the Revised Code.

Whereas, the Board 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 enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Sam J. Postolski is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about September 10, 2003 and December 1, 2003, pursuant to Chapter 119. of the Ohio Revised Code, Sam J. Postolski was notified of the allegations or charges against him, his right to a hearing, his rights in such hearing, and his right to submit contentions in writing. Sam J. Postolski requested a hearing; it was scheduled and continued. The September 10, 2003, Notice of Opportunity for Hearing and December 1, 2003 Addendum Notice contain the following allegations or charges:

- (1) Records of the Board of Pharmacy indicate that Sam J. Postolski was originally licensed in the State of Ohio on July 27, 1970, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Sam J. Postolski did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: Sam J. Postolski created and dispensed the following prescriptions for himself and/or family members without authorization from an authorized prescriber:

<u>Rx #</u>	<u>Drug</u>	<u>Date Filled</u>	<u>Qty</u>
891599	Proscar 5 mg	03/09/02	10
892596	Zithromax 250 mg	04/01/02	6
892890	cephalexin 250 mg	04/06/02	30
894470	Protonix 40 mg	05/15/02	60
894711	nifedipine 10 mg	05/22/02	30
897107	Protonix 40 mg	07/20/02	60
897121	chlorzoxazone 500 mg	07/21/02	12
897209	prednisone 5 mg	07/23/02	30
898665	Proscar 5 mg	08/28/02	20
899537	amoxicillin 500 mg	09/19/02	10
899536	Guaifenesin PSE 600/120	09/19/02	8
900150	sucralfate 1 gm	10/06/02	100
900892	Proscar 5mg	10/24/02	20
901256	prednisone 5 mg	11/01/02	15
901256	prednisone 5 mg	11/01/02	15
903362	penicillin VK 500 mg	12/26/02	10
279496	Prevacid 30 mg	01/01/03	60
903961	Proscar 5mg	01/11/03	15
904051	cephalexin 250 mg	01/14/03	30
904408	cephalexin 250 mg	01/22/03	30
890702	Patanol 0.1% Eye Drops	02/19/02	5
891614	hydrocortisone 2.5% Cream	03/10/02	30
891769	Acular 0.5% eye Drops All	03/13/02	5
891739	Benzagel-10 Gel DER	03/13/02	43
892448	sulfamethoxazole/TMP DS	03/27/02	12
892785	Zithromax 250 mg	04/04/02	6
894706	sulfamethoxazole/TMP DS	05/21/02	15
894901	benzoyl peroxide 10% gel	05/27/02	60
895136	Zithromax 250 mg	06/03/02	6
895290	Zithromax 250 mg	06/05/02	4
897669	Zithromax 250 mg	08/02/02	4
898770	Zithromax 250 mg	08/30/02	3
899595	Sulfamethoxazole/TMP DS	09/22/02	20
900389	Zithromax 250 mg	10/10/02	4
900523	Zithromax 250 mg	10/14/02	4
900899	Zithromax 250 mg	10/24/02	3

<u>Rx #</u>	<u>Drug</u>	<u>Date Filled</u>	<u>Qty</u>
901696	Benzagel-10 Gel DER	11/13/02	43
901944	sulfamethoxazole/TMP DS	11/19/02	20
902365	Zithromax 250 mg	11/29/02	3
902526	Zithromax 250 mg	12/03/02	6
902944	Benzagel-10 Gel DER	12/15/02	43
903938	Zithromax 250 mg	01/10/03	6
904974	sulfamethoxazole/TMP DS	02/05/03	20
905131	hydroxyzine HCL 25 mg	02/10/03	15
879620	cefadroxil 500 mg	04/07/01	20
893929	Zithromax 250 mg	05/02/02	6
894128	Zithromax 250 mg	05/06/02	6
895975	Zithromax 250 mg	06/22/02	6
903607	Penlac	01/02/03	7
903936	Flonase 0.05% Nasal Spray	01/10/03	16
905096	erythromycin 2% Solution	02/09/03	60
905128	Zithromax 250 mg	02/10/03	2
879621	Claritin 10 mg	04/07/03	5
903937	erythromycin/sulfisox SUSP	01/10/03	200
904877	erythromycin/sulfisox SUSP	02/03/03	200
904975	prednisone 20 mg	02/05/03	16

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

(3)

Sam J. Postolski neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated September 10, 2003 and the Addendum Notice Dated December 1, 2003; 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, Sam J. Postolski knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Sam J. Postolski's license to practice pharmacy will be placed on probation for a period of eighteen months with the following terms:
- (1) Sam J. Postolski's pharmacist identification card will not be in good standing, thereby denying him 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) Sam J. Postolski may not serve as a responsible pharmacist.
  - (3) Sam J. Postolski may not destroy, assist in, or witness the destruction of controlled substances.
  - (4) Sam J. Postolski must not violate the drug laws of Ohio, any other state, or the federal government.
  - (5) Sam J. Postolski must abide by the rules of the State Board of Pharmacy.
- (B) Sam J. Postolski agrees to the imposition of a monetary penalty of two thousand five hundred dollars (\$2,500.00) due and owing within thirty days from the effective date of this Agreement. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320.

If, in the judgment of the Board, Sam J. Postolski appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to, at any time, revoke probation, modify the conditions of probation, and reduce or extend the period of probation, and/or the Board may institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violation of the laws of Ohio occurring before the effective date of this Agreement.

Sam J. Postolski acknowledges that he has had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory manner. Any action initiated by the Board based on alleged violation of this Agreement shall comply with the Administrative Procedure Act, Chapter 119. of the Ohio Revised Code.

Sam J. Postolski waives any and all claims or causes of action he 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. Sam J. Postolski waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

In the event the Board, in its discretion, does not adopt this Agreement as its Adjudication, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. Sam J. Postolski agrees that should the Board reject this Agreement and if this case proceeds to hearing, he will assert no claim that the Board was prejudiced by its review and discussion of this Agreement or of any information relating thereto.

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.

<u>/s/ Sam J Postolski</u> Sam J. Postolski, R.Ph., Respondent	<u>/d/ 12/23/2003</u> Date of Signature
<u>/s/ Kent A Britt</u> Kent A. Britt, Attorney for Respondent	<u>/d/ 12/24/2003</u> Date of Signature
<u>/s/ Robert P. Giacalone</u> Robert P. Giacalone, President, Ohio State Board of Pharmacy	<u>/d/ 1/5/04</u> Date of Signature
<u>/s/ Sally Ann Steuk</u> Sally Ann Steuk, Ohio Assistant Attorney General	<u>/d/ 1-5-04</u> Date of Signature

10:10 a.m.

Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Revised Code and for the purpose of conferring with an attorney for the Board regarding pending or imminent court action pursuant to Section 121.22(G)(3) of the Revised Code. The motion was seconded by Mrs. Adelman and a roll call vote was conducted by President Giacalone as follows: Adelman-Yes, Braylock-Yes, Eastman-Yes, Gregg-Yes, Kost-Yes, Lipsyc-Yes, Teater-Yes, and Turner-Yes.

11:15 a.m.

**R-2004-109** The Executive Session ended and the meeting was opened to the public. Mrs. Adelman moved that the Board accept the settlement offer issued in the matter of David Mark Oinos, R.Ph. (03-3-14305). The motion was seconded by Mr. Kost and approved by the Board (Aye-8/Nay-0). The settlement agreement will become effective after it is signed by all parties.

**R-2004-110** Ms. Eastman moved that the Board deny the settlement offer presented in the matter of Michael Esber, R.Ph. (03-1-13497) and that the hearing be held as scheduled. The motion was seconded by Mrs. Teater and approved by the Board (Aye-6/Nay-2).

**R-2004-111** Mrs. Teater moved that the Board deny the settlement offer presented in the matter of Jennifer Linville (03-1-19020) and that the hearing be held as scheduled.. The motion was seconded by Mrs. Gregg and approved by the Board (Aye-7/Nay-1).

11:28 a.m.

The Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of creating a record in accordance with Ohio Revised Code Chapters 119. and 4729. in the matter of Pauline M. Reed, R.Ph.

11:42 a.m.

The record was closed. Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Revised Code. The motion was seconded by Mr. Kost and a roll call vote was conducted by President Giacalone as follows: Adelman-Yes, Braylock-Yes, Eastman-Yes, Gregg-Yes, Kost-Yes, Lipsyc-Yes, Teater-Yes, and Turner-Yes.

11:50 a.m.

**R-2004-112**

The Executive Session ended and the meeting was opened to the public. Mr. Braylock moved that the Board adopt the following Order in the matter of Pauline M. Reed, R.Ph.:

**ORDER OF THE STATE BOARD OF PHARMACY**

(Docket No. D-031029-027)

In The Matter Of:

**PAULINE M. REED, R.Ph.**  
5461 Whitehouse-Spencer Road  
Whitehouse, Ohio 43571  
(R.Ph. No. 03-1-09590)

**INTRODUCTION**

THE MATTER OF PAULINE M. REED CAME FOR CONSIDERATION ON JANUARY 5, 2004, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT P. GIACALONE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

PAULINE M. REED WAS NOT PRESENT NOR WAS SHE REPRESENTED BY COUNSEL AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

**SUMMARY OF EVIDENCE**

**State's Witnesses**

1. Dale Fritz, Ohio State Board of Pharmacy

**Respondent's Witnesses**

None

**State's Exhibits**

1. Copy of Summary Suspension Order/Notice of Opportunity For Hearing letter [10-29-03]
  - 1A. Procedural
2. Ohio State Board of Pharmacy List of Violations [06-27-01 to 05-02-03]
3. List of Violations on Patient #1's Prescriptions [06-27-01 to 05-02-03]
4. Copy of Rx #6212485 [00-00-00] and Rx #849404 [06-25-02]
5. Copy of Signature Log [04-22-03 to 05-02-03]
6. Three-page copy of Farmer Jack Pharmacy #225 Medical Expenses Report for Donna Jarvela [06-27-01 to 07-03-02]; seven-page copy of Food Town 6028 Patient Profile Report for Donna Jarvela [06-26-02 to 05-02-03]; Food Town 6028 Prescription Drug Insurance Claim Form for Donna Jarvela [07-02-02 to 07-24-02]; copy of four Request for Refill Authorization forms for Rx #856490 [10-22-02], Rx #850976 [07-22-02], Rx #860794 [12-31-02], Rx #849404 [06-25-02]
7. Copy of Toledo Police Department Crime Report No. 027537-03 [05-06-03]
8. Copy of Statement of Jenny Miesle [05-05-03]
9. Copy of Food Town/Pharm Division Loss Prevention Incident Report No. 106-03 [05-06-03]; Spartan Stores, Inc. Incident Report Case No. 106-03 [03-15-03, 04-22-03 and 05-02-03]; two Follow-Up Incident Reports [05-05-03 and 05-06-03]; Statement of Dionne Fortress, CPhT

- [05-07-03]; Statement of Pauline Reed [05-05-03]
10. Copy of two Complaints, State of Ohio/City of Toledo vs. Pauline M. Reed, Case No. CRA-03-07171-0102 and CRA-03-07171-0202, Toledo Municipal Court [05-06-03]
  11. Copy of Indictment [07-28-03]; Order [10-23-03]; Plea of Guilty to Lesser Included Offense [10-23-03]; Judgment Entry [11-25-03]; Acknowledgment Pursuant to R.C. 2947.23 [11-25-03] State of Ohio vs. Pauline M. Reed, Case No. CR03-02668, Lucas County Common Pleas Court
  12. Copy of letter from Pauline Reed [07-19-03]

#### Respondent's Exhibits

None

#### FINDINGS OF FACT

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

(1) On October 29, 2003, Pauline M. Reed was notified by letter of her right to a hearing, her rights in such hearing, and her right to submit her contentions in writing.

(2) As demonstrated by return receipt dated October 31, 2003, Pauline M. Reed received the letter of October 29, 2003, informing her of the allegations against her, and her rights.

(3) Pauline M. Reed has not responded in any manner to the letter of October 29, 2003, and has not requested a hearing in this matter.

(4) Records of the State Board of Pharmacy indicate that Pauline M. Reed was originally licensed by the State of Ohio as a pharmacist on July 27, 1970, pursuant to examination, and that her license to practice pharmacy in Ohio was summarily suspended effective October 29, 2003.

(5) On October 23, 2003, Pauline M. Reed pled guilty to one count of Illegal Processing Drug Documents, a felony of the fifth degree under Section 2925.23(A) and (F)(2) of the Ohio Revised Code, and one count of Complicity in the Commission of Theft, a misdemeanor of the first degree under Sections 2923.03(A)(2) and 2913.02(A)(3) and (B)(2) of the Ohio Revised Code. State of Ohio v. Pauline Reed, Case No. G-4801-CR-0200302668, Lucas County Common Pleas Court.

#### CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes 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 paragraph (5) of the Findings of Fact constitutes 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 (5) of the Findings of Fact constitutes being 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 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 Pauline M. Reed on October 29, 2003.

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 Pauline M. Reed as follows:

(A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-1-09590, held by Pauline M. Reed 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 set forth above, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-1-09590, held by Pauline M. Reed 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 set forth above, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-1-09590, held by Pauline M. Reed effective as of the date of the mailing of this Order.

(D) On the basis of the Findings of Fact and paragraph (4) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-1-09590, held by Pauline M. Reed effective as of the date of the mailing of this Order.

Pursuant to Section 4729.16(B) of the Ohio Revised Code, Pauline M. Reed must return her identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten (10) 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 using a Return Receipt service.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Mr. Lipsyc and approved by the Board (Aye-8/Nay-0).

**R-2004-113** After discussion of a request from Jerry Friedman, R.Ph. for early release from his Board ordered probation, Mr. Kost moved that the Board deny the request. The motion was seconded by Mr. Braylock and approved by the Board (Aye-8/Nay-0).

11:55 a.m.

The Board recessed for lunch.

1:43 p.m.

The Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of conducting an adjudication hearing in accordance with Ohio Revised Code Chapters 119. and 4729. in the matter of Nathan John Goik, Intern applicant, Toledo.

3:55 p.m.

The hearing ended and the record was closed. The Board took a brief recess.

4:08 p.m.

The Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of conducting an adjudication hearing in accordance with Ohio Revised Code Chapters 119. and 4729. in the matter of Vernon A. Infantino, R.Ph., Akron.

4:55 p.m.

The hearing ended and the record was closed.

4:59 p.m.

Mrs. Gregg moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Revised Code. The motion was seconded by Ms. Eastman and a roll call vote was conducted by President Giacalone as follows: Adelman-Yes, Braylock-Yes, Eastman-Yes, Gregg-Yes, Kost-Yes, Lipsyc-Yes, Teater-Yes, and Turner-Yes.

5:25 p.m.

**R-2004-114** The Executive Session ended and the meeting was opened to the public. Mrs. Gregg moved that the Board adopt the following Order in the matter of Vernon A. Infantino,

R.Ph.:

**ORDER OF THE STATE BOARD OF PHARMACY**

(Docket No. D-030925-019)

In The Matter Of:

**VERNON A. INFANTINO, R.Ph.**

4179 State Road  
Akron, Ohio 44319  
(R.Ph. No. 03-3-11610)

**INTRODUCTION**

THE MATTER OF VERNON A. INFANTINO CAME FOR HEARING ON MONDAY, JANUARY 5, 2003, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT P. GIACALONE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

VERNON A. INFANTINO WAS REPRESENTED BY GEORGE J. EMERSHAW AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

**SUMMARY OF EVIDENCE**

**State's Witnesses**

None

**Respondent's Witnesses**

1. Thomas Oswald, R.Ph.
2. Michael Quigley, R.Ph.
3. Vernon A. Infantino, R.Ph., Respondent

**State's Exhibits**

1. Reinstatement Hearing Request letter from George J. Emershaw [09-24-03]
- 1A-1B. Procedurals
2. Copy of State Board of Pharmacy Order in re Vernon A. Infantino, R.Ph. [06-10-02]
3. Copy of Summary Audit Report [02-01-00 to 03-01-01]
4. Copy of two Notarized Statements of Kim Ivary [02-14-01 and 03-09-01]
5. Copy of Statement of Dawn McFarland [02-15-01]
6. Copy of CVS/Revco #4327 Pharmacist's Statement printout for Patient #1 [01-01-98 to 03-09-01]
7. Laboratory Report, No. 010326-0518, Lake County Regional Forensic Laboratory [04-02-01]
8. Copy of CVS/Revco #4327 Pharmacist's Statement printout for Patient #2 [01-01-98 to 03-09-01]
9. Copy of CVS/Revco #4327 Pharmacist's Statement printout for Patient #3 [01-01-98 to 03-09-01]
10. Copy of CVS/Revco #4327 Pharmacist's Statement printout for Patient #4 [01-01-98 to 03-09-01]
11. Notarized Statement of Vernon A. Infantino [03-01-01]
12. Copy of Ticket No. 166406 Issued to Vernon A. Infantino by Willoughby Police Department; Alleged Violation Report; Ohio Bureau of Motor Vehicles Report of Peace Officer of Administrative License Suspension; Alcoholic Influence Report; BAC DataMaster Test Report; and Willoughby Municipal Court Traffic/Criminal Docket for Willoughby Police Dept. vs. Vernon A. Infantino, Case No. 01TRC04447 [05-11-01 to 06-14-01]
13. Information, State of Ohio vs. Vernon A. Infantino, Case No. 01-CR-000363, Lake County Common Pleas Court [07-27-01]
14. Judgment Entry [12-14-01]

**Respondent's Exhibits**

- A. Work History/Education Information Sheet for Vernon A. Infantino [June 1976 to December



1999]

- B. Copy of Judgment Entry, State of Ohio vs. Vernon A. Infantino, Case No. 01-CR-000363, Lake County Common Pleas Court [12-14-01]; Copy of State Board of Pharmacy Order in re Vernon A. Infantino, R.Ph. [06-10-02]
- C. Copy of PRO Pharmacist's Recovery Contract for Vernon A. Infantino [12-15-01]
- D. Copies of Edwin Shaw Hospital Treatment Program and Continued Care Program Patient Progress letters in re Vernon A. Infantino [08-24-01 to 07-21-03]; Certificate of Achievement [07-08-03]
- E. Copy of Support Group Attendance Records [08-20-01 to 01-04-04]; Copy of PRO Conference Receipt [04-28-02]; Two-page copy of Certificate of Appreciation [08-11-02]
- F. Compass Vision Licensee Summary Report [01-25-02 to 12-05-03]; Drug screen reports and Chain of Custody documents [12-20-01 to 12-19-03]
- G. Copy of Color-Coded Calendar Pages [January 2001 to December 2003]
- H. Copy of Cashier's Check No. 4876607137 to George J. Emershaw [05-02-02]; Log of Communications with CVS Pharmacy [05-10-02 to 11-10-03]
- I. Copy of seven Letters of Support [05-01-02 to 12-15-03]
- J. Copy of Continuing Pharmacy Education Credits and Certificates [09-23-01 to 12-05-03]
- K. Copy of two Lake County Adult Probation Progress Reports for Vernon Infantino [12-08-03 and 05-07-02]

#### 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 Vernon A. Infantino has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-010405-057, effective June 10, 2002.

#### 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. 03-3-11610, held by Vernon A. Infantino, to practice pharmacy in Ohio and places Vernon A. Infantino on probation for five years beginning on the effective date of this Order, with the following conditions:

(A) Vernon A. Infantino must, even if he has a current contract, enter into a new contract within thirty days from 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 submit a copy of the new signed contract to the Board office before his pharmacist identification card is issued. The new 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) Pemoline and alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification.

(c) 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 result, including those that may have resulted from ingestion of food but excluding false positives that resulted from medication legitimately prescribed, indicates a violation of the contract.

(2) The intervener/sponsor shall provide copies of all drug and alcohol screen reports to the Board in a timely fashion.

(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) Vernon A. Infantino 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 Vernon A. Infantino's progress towards recovery and what Vernon A. Infantino 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 Vernon A. Infantino'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) Vernon A. Infantino may not serve as a responsible pharmacist.

(3) Vernon A. Infantino may not destroy, assist in, or witness the destruction of controlled substances.

(4) Vernon A. Infantino must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.

(5) Vernon A. Infantino must not violate the drug laws of Ohio, any other state, or the federal government.

(6) Vernon A. Infantino must abide by the rules of the State Board of Pharmacy.

(7) Vernon A. Infantino must comply with the terms of this Order.

(D) 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.

(E) If Vernon A. Infantino's pharmacist identification card to practice pharmacy in Ohio is not issued within three years of the effective date of this Order, Vernon A. Infantino must also take and pass the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination accepted by the Board.

Vernon A. Infantino 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.

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Mr. Kost and approved by the Board (Aye-8/Nay-0).

*R-2004-115* Mr. Lipsyc moved that the Board adopt the following Order in the matter of Nathan John Goik, Applicant for an Intern license:

**ORDER OF THE STATE BOARD OF PHARMACY**  
(Docket No. D-030307-060)

In The Matter Of:

**NATHAN JOHN GOIK**  
2550 Greenway Street #3  
Toledo, Ohio 43607  
(D.O.B. 04/29/81)

INTRODUCTION

THE MATTER OF NATHAN JOHN GOIK CAME FOR HEARING ON JANUARY 5, 2004, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT P. GIACALONE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

NATHAN JOHN GOIK WAS REPRESENTED BY DANIEL D. CONNOR AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

None

Respondent's Witnesses

1. Nathan John Goik, Respondent
2. Dennis Goik
3. Michael Quigley, R.Ph.

State's Exhibits

1. Copy of Proposal to Deny/Notice of Opportunity For Hearing letter [03-07-03]  
1A-1F. Procedurals
2. Copy of unsigned Statement of Nathan Goik [not dated]
3. Copy of Akron Police Department Field Arrest/Summons No. 119757 issued to Nathan J. Goik [06-10-00]
4. Copy of Report of Arrest/Summons, Case No. 00CRB6857 [06-16-00]
5. Copy of Complaint No. 00CRB6857 [06-10-00]
6. Copy of Discretionary Rehabilitation Program Screening and Journal Entry, Case No. 00CRB6857, Akron Municipal Court [06-16-00]
7. Copy of unsigned Statement of Nathan John Goik [not dated]
8. Copy of Court Cost and Fine Receipt No. 1677100, City of Dothan vs. Nathan Goik, Case No. MC-01-000634-001, City of Dothan Municipal Court (Alabama) [10-07-02]

Respondent's Exhibits

- A-1. Copy of Assessment and Progress letter from William Kunkle, Certified Chemical Dependency Counselor II [12-10-03]
- A-2. Copy of PRO Pharmacist's Recovery Contract for Nathan Goik [12-29-03]
- A-3. Copy of The Cleveland Clinic Foundation Comprehensive Assessment Report of Nathan Goik [08-21-03]
- A-4. Copy of Assessment and Progress letter from William Kunkle, Certified Chemical Dependency Counselor II [12-10-03]; Integrated Bio Psychosocial Assessment [09-18-03]; Mast test [09-18-03]; Evening Intensive Outpatient Contract [09-29-03], Drug Screen Reports [09-29-03 to 10-23-03]; Integrated Progress Notes [09-29-03 to 10-31-03]; Master Treatment Plan [10-02-03]; Discharge Summary [10-31-03]; AfterCare Contract [10-27-03], Drug Screen Report [11-19-03]
- A-5. Copy of Drug Screen Reports [09-29-03 to 12-22-03]
- A-6. Support Group Attendance Records [10-25-03 to 12-22-03]
- A-7. Copy of The University of Toledo Grade Record of Nathan John Goik for 2003 Fall Quarter
- A-8. Letter of Support [not dated]
- A-9. Copy of pages 2 and 3 of The Toledo Hospital Discharge Summary [10-31-03]

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 State Board of Pharmacy indicate that Nathan John Goik applied to the State Board of Pharmacy for Registration as a Pharmacy Intern in Ohio on April 29, 2002.

(2) Nathan John Goik did, on or about June 10, 2000, knowingly use, or possess with purpose to use, drug paraphernalia, to wit: Nathan John Goik was arrested for possession of a pipe used for smoking marijuana, a Schedule I controlled substance. Such conduct is in violation of Section 2925.14 of the Ohio Revised Code. Further, on said date, Nathan John Goik was arrested for underage possession of alcohol in violation of Section 91.62(E) of the Akron City Code, with said charges being dismissed after he completed a "Discretionary Rehabilitation Program."

(3) Nathan John Goik did, on or about March 18, 2001, knowingly possess or use a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Nathan John Goik was arrested in Dothan, Alabama, for Possession Of Marijuana, a Schedule I controlled substance. Such conduct, if committed in Ohio, is in violation of Section 2925.11 of the Ohio Revised Code. Nathan John Goik was fined \$610.50 and ordered into a diversion program, City of Dothan vs. Nathan Goik, Case No. MC-01634, City of Dothan Municipal Court (Alabama). Until September of 2002, Nathan John Goik refused to pay the fine, and did not comply with the court's order to enter into the diversion program.

(4) Nathan John Goik did, on or about September 3, 2002, knowingly make a false statement with purpose to mislead a public official in performing his official function, to wit: Nathan John Goik lied to Board agents, who were investigating a matter, with purpose to divert their attention away from his drug abuse and drug-related conviction in the State of Alabama. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code (Falsification).

#### CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute not being of good moral character and habits as provided in paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code.

(2) The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being addicted to or abusing liquor or drugs as provided in paragraph (D) of Rule 4729-5-04 of the Ohio Administrative Code.

#### DECISION OF THE BOARD

Pursuant to Section 4729.11 of the Ohio Revised Code and Rule 4729-5-04 of the Ohio Administrative Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby denies the Application for Registration as an Intern submitted by Nathan John Goik on April 29, 2002.

Further, on or after August 1, 2004, the Board will consider any petition filed by Nathan John Goik for a hearing, pursuant to Ohio Revised Code Chapter 119., for registration as an Ohio Pharmacy Intern.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Mr. Kost and approved by the Board (Aye-5/Nay-3).

5:35 p.m.

The Board meeting recessed until Tuesday, January 6, 2004.

**TUESDAY, JANUARY 6, 2004**

8:35 a.m. ROLL CALL

The State Board of Pharmacy convened in Room West B & C, 31<sup>st</sup> Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio with the following members present:

Robert P. Giacalone, R.Ph. (President); Lawrence J. Kost, R.Ph. (Vice-President); Diane C. Adelman, R.Ph.; Gregory Braylock, R.Ph.; Suzanne R. Eastman, R.Ph.; Elizabeth I. Gregg, R.Ph.; Nathan S. Lipsyc, R.Ph.; Dorothy S. Teater, Public Member; and James E. Turner, R.Ph.

8:36 a.m.

The Board was joined by Assistant Attorney General Sally Ann Steuk for the purpose of conducting an adjudication hearing in accordance with Ohio Revised Code Chapters 119. and 4729. in the matter of Reginald D. Thompson, R.Ph., Missouri City, Texas.

9:11 a.m.

The hearing ended and the record was closed. The Board took a brief recess.

9:21 a.m.

Mr. Turner moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Revised Code. The motion was seconded by Mrs. Teater and a roll call vote was conducted by President Giacalone as follows: Adelman-Yes, Braylock-Yes, Eastman-Yes, Gregg-Yes, Kost-Yes, Lipsyc-Yes, Teater-Yes, and Turner-Yes.

9:40 a.m.

**R-2004-116** The Executive Session ended and the meeting opened to the public. Mrs. Teater moved that the Board adopt the following Order in the matter of Reginald D. Thompson, R.Ph.:

**ORDER OF THE STATE BOARD OF PHARMACY**

(Docket No. D-031112-035)

In The Matter Of:

**REGINALD D. THOMPSON, R.Ph.**

2115 Heatherwood Drive  
Missouri City, Texas 77489  
(Texas R.Ph. No. 29976)

**INTRODUCTION**

THE MATTER OF REGINALD D. THOMPSON CAME FOR HEARING ON JANUARY 6, 2004, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT P. GIACALONE, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

REGINALD D. THOMPSON WAS NOT REPRESENTED BY COUNSEL AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

**SUMMARY OF EVIDENCE**

**State's Witnesses**

1. Reginald D. Thompson, R.Ph., Respondent

**Respondent's Witnesses**

None

**State's Exhibits**

1. Copy of Proposal to Deny/Notice of Opportunity For Hearing letter [11-12-03]  
1A-1C. Procedurals

2. Copy of National Association of Boards of Pharmacy (NABP) Official Application For Transfer Of Pharmaceuetic Licensure to the state of Ohio dated October 22, 2003
3. Copy of Statement of Reginald D. Thompson [not dated]
4. Agreed Board Order, In the Matter of: Reginald Dimitri Thompson, Texas State Board of Pharmacy [03-08-89]
5. Indictment, State of Texas v. Reginald D. Thompson Cause No. 565386, Harris County District Court [06-19-90]; Copy of letter from Dora Olivo, State Representative and Maria A. Emerson, Volunteer Program Administrator [10-30-97]

#### Respondent's Exhibits

- A1-A7. Seven Letters of Support [12-17-03 to 12-31-03]  
A-8. Brentwood Baptist Church Handbook, Page 28 [2004]

#### FINDINGS OF FACT

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

- (1) Reginald D. Thompson is a registered pharmacist in the state of Texas, and on or about July 28, 2003, Reginald D. Thompson submitted an application for registration as a pharmacist by reciprocity to the State of Ohio.
- (2) Reginald D. Thompson was, on or about March 8, 1989, disciplined by the Texas State Board of Pharmacy, to wit: the Texas Board took action against Reginald D. Thompson's license to practice pharmacy for having committed acts constituting theft and trafficking in drugs. Agreed Board Order, In the Matter of Reginald Dimitri Thompson, Case #B-88-017, Texas State Board of Pharmacy.
- (3) Reginald D. Thompson was, on or about January 15, 1991, sentenced to incarceration for a period of six (6) years in the Texas Penitentiary for the crime of robbery. State of Texas vs. Reginald D. Thompson, Cause No. 565386, Harris County District Court No. 351. Reginald D. Thompson was discharged from the penitentiary on December 3, 1991, after having served more than seven months; Reginald D. Thompson was discharged from parole on January 15, 1997.

#### CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that the conduct set forth in paragraph (3) of the Findings of Fact constitutes having been convicted of a felony as set forth in paragraph (A) of Rule 4729-5-04 of the Ohio Administrative Code.
- (2) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (2) and (3) of the Findings of Fact constitute not being of good moral character and habits as set forth in paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code and Division (B) of Section 4729.09 of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that the conduct set forth in paragraph (2) of the Findings of Fact constitutes having been disciplined by any board of pharmacy as set forth in paragraph (F) of Rule 4729-5-04 of the Ohio Administrative Code.

#### DECISION OF THE BOARD

Pursuant to Section 4729.09 of the Ohio Revised Code, and after consideration of the record as a whole, the Ohio State Board of Pharmacy hereby approves the issuance of a pharmacist identification card to Reginald D. Thompson to practice pharmacy in Ohio and, therefore, accepts the Official Application for Transfer of Pharmaceuetic Licensure submitted by Reginald D. Thompson and received by the Board on October 23, 2003.

Further, the Board places Reginald D. Thompson on probation for two years beginning on the effective date of this Order, during which time Mr. Thompson must submit copies of any urine drug screen reports to the Ohio State Board of Pharmacy office in a timely manner.

Reginald D. Thompson 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.

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Mr. Turner and approved by the Board (Aye-8/Nay-0).

After a discussion of the draft minutes for the December 23, 2003 telephone conference call meeting, Mrs. Gregg moved that the minutes be approved as written. The motion was seconded by Mrs. Adelman and approved by the Board (Aye-7/Nay-0/Abstain-1[Turner]).

The Board next discussed the draft minutes from the December 8 & 9, 2003 meeting. Mrs. Adelman moved that these minutes be approved as amended. The motion was seconded by Mr. Braylock and approved by the Board (Aye-8/Nay-0).

- R-2004-117** Mr. Winsley asked the Board to approve the signing of letters of agreement between the National Association of Boards of Pharmacy (NABP) and the Board covering the NAPLEX and MPJE examinations for the coming year. After discussion, Mrs. Gregg moved that the Board approve the request. The motion was seconded by Mr. Braylock and approved by the Board (Aye-8/Nay-0).
- R-2004-118** After discussion of the NABP Annual Meeting scheduled to be held in Chicago, Illinois on April 24-28, 2004, Mr. Giacalone announced that he, as president, would serve as the voting delegate at the meeting and that Mr. Kost would be the alternate voting delegate. Mr. Winsley was requested to certify this decision to the NABP.
- R-2004-119** The Board next considered a request from the University of Toledo for approval of their training course on adult immunizations. After discussion, Mr. Braylock moved that the Board approve the training course as submitted. The motion was seconded by Mr. Kost and approved by the Board (Aye-8/Nay-0).
- R-2004-120** A request for Board approval of the HealthRamp electronic prescribing system was presented to the Board. After discussion, Mr. Braylock moved that the HealthRamp electronic prescribing system be considered approvable pending inspection of the installed product. The motion was seconded by Mr. Kost and approved by the Board (Aye-8/Nay-0).
- R-2004-121** A request for Board approval of the Wellinx electronic prescribing system was presented to the Board. After discussion, Mrs. Gregg moved that the Wellinx electronic prescribing system be considered approvable pending inspection of the installed product. The motion was seconded by Mr. Braylock and approved by the Board (Aye-8/Nay-0).
- R-2004-122** A request for Board approval of the Allmeds electronic prescribing system was presented to the Board. After discussion, Mr. Kost moved that the Allmeds electronic prescribing system be considered approvable pending inspection of the installed product. The motion was seconded by Mrs. Gregg and approved by the Board (Aye-8/Nay-0).
- R-2004-123** Board staff discussed two meetings with representatives from different pharmacy chains regarding the implementation of a program of computer-to-computer electronic prescribing such that prescriptions entered by a prescriber would be transmitted from the prescriber's computer directly to the pharmacy's computer system without any paper prescription being generated by the prescriber. After discussion, Mr. Braylock moved that the system presented by Rite Aid be considered approvable pending final inspection after implementation. The motion was seconded by Mrs. Gregg and approved by the Board (Aye-8/Nay-0).

**R-2004-124** After further discussion, Mr. Braylock moved that the Board grant the same approvable status to the Giant Eagle system so that they too could participate in this program. This motion was seconded by Mrs. Gregg and approved by the Board (Aye-7/Nay-0/Abstain-1[Kost]).

Mr. Braylock reported that there had been no meeting of the Nursing Board's Committee on Prescriptive Governance.

Mr. Benedict reported on the latest meeting of the Medical Board's Prescribing Committee.

11:45 a.m.

The Board recessed for lunch.

1:30 p.m.

With all members present, the Board convened in Room South-A, 31st Floor, Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, for the purpose of meeting with the candidates for licensure by reciprocity.

**R-2004-125** Following presentations by Board members and self-introductions by the candidates for licensure by reciprocity, the following candidates participated in a discussion of pharmacy laws and rules with Mr. McMillen and were then presented with their pharmacist identification cards.

DAWN MARIE HUNSBERGER	03-1-26015	IOWA
NEHA PATEL MAKADIA	03-1-26030	NEW JERSEY
JULIANN CHRISTIE SANDY	03-1-26027	NEVADA
FRANK T. TUKALO	03-1-26026	NEVADA
MAY THANT ZIN	03-1-26017	NEW YORK

2:00 p.m.

**R-2004-126** All Board members reconvened in Room West-B&C. Mr. Winsley presented a request from CVS/pharmacy #6194 for a continuance in the hearing scheduled to begin at this time so that the parties involved could have time to reach a final settlement agreement. After discussion, Mr. Braylock moved to continue the hearing until the February meeting to allow the parties to finalize a settlement agreement for the Board's consideration. The motion was seconded by Mrs. Gregg and approved by the Board (Aye-8/Nay-0).

2:18 p.m.

Mrs. Adelman moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding licensees and registrants pursuant to Section 121.22(G)(1) of the Revised Code. The motion was seconded by Mrs. Gregg and a roll call vote was conducted by President Giacalone as follows: Adelman-Yes, Braylock-Yes, Eastman-Yes, Gregg-Yes, Kost-Yes, Lipsyc-Yes, Teater-Yes, and Turner-Yes.

2:43 p.m.

The Executive Session ended and the meeting was opened to the public. Mr. Braylock moved that the Board receive Per Diem as follows:

PER DIEM	<u>1/5</u>	<u>1/6</u>	<u>Total</u>
Adelman	1	1	2
Braylock	1	1	2
Eastman	1	1	2
Giacalone	1	1	2
Gregg	1	1	2
Kost	1	1	2
Lipsyc	1	1	2
Teater	1	1	2
Turner	1	1	2

The motion was seconded by Mrs. Adelman and approved by the Board (Aye-8/Nay-0).

2:44 p.m.

Mrs. Gregg moved that the meeting be adjourned. The motion was seconded by Ms. Eastman and approved by the Board (Aye-8/Nay-0).



**THE BOARD APPROVED THESE MINUTES  
FEBRUARY 4, 2004**