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Minutes of the August 6-8, 2007 **Meeting of the Ohio State Board of Pharmacy**

Monday, August 6, 2007

10:00 a.m. The Ohio State Board of Pharmacy convened in room East B, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Gregory Braylock, R.Ph., *President*; Nathan S. Lipsyc, R.Ph., *Vice-President*; Elizabeth I. Gregg, R.Ph.; Richard F. Kolezynski, R.Ph.; Kevin J. Mitchell, R.Ph.; Heather L. Pasquale, R.Ph.; Dorothy S. Teater, Public Member; James E. Turner, R.Ph.; and Jerome J. Wiesenahn, R.Ph.

Also present were William T. Winsley, *Executive Director*; Timothy Benedict, *Assistant Executive Director*; William McMillen, *Licensing Administrator*; Mark Keeley, *Legislative Affairs Administrator*; David Rowland, *Legal Affairs Administrator*; Danna Droz, *Prescription Drug Monitoring Program Director*; and Sally Ann Steuk, *Assistant Attorney General*.

10:05 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 Ohio Revised Code and to confer with an attorney for the Board regarding pending or imminent court action pursuant to Section 121.22(G)(3) of the Ohio Revised Code. The motion was seconded by Mr. Turner and a roll-call vote was conducted by President Braylock as follows: Gregg – yes; Kolezynski – yes; Lipsyc – yes; Mitchell – yes; Pasquale – yes; Turner – yes; Teater – yes; and Wiesenahn – yes.

11:27 a.m. The Executive Session ended and the meeting was opened to the public.

The Board recessed briefly.

R-2008-014 Mr. Turner moved that the following Settlement Agreement with **JoAnn Pack**, R.Ph., (03-3-15854) Avon, Ohio, be approved by the Board. The motion was seconded by Mr. Lipsyc and approved by the Board: Aye – 8. The agreement was then signed by President Braylock and is now effective.

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY **VOLUNTARY SURRENDER WITH DISCIPLINARY ACTION PENDING**

Docket Number D-060921-007

in the matter of:

JOANN MARIE PACK, R.Ph.
33491 Lyons Gate Run
Avon, Ohio 44011

R.Ph. Number 03-3-15854

This Settlement Agreement is entered into by and between JoAnn Marie Pack 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.

JoAnn Marie Pack 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.

JoAnn Marie Pack is 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 JoAnn Marie Pack'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) JoAnn Marie Pack neither admits nor denies the allegations stated in the Summary Suspension Order/Notice of Opportunity for Hearing letter dated September 21, 2006; however, the Board has duly filed the allegations in its Summary Suspension Order/Notice of Opportunity for Hearing letter as stated therein and will withhold conducting an adjudication hearing pursuant to the terms of this agreement.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, JoAnn Marie Pack 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, JoAnn Marie Pack may not be employed by or work in any facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs.

JoAnn Marie Pack 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.

JoAnn Marie Pack 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. JoAnn Marie Pack waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

JoAnn Marie Pack 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.

/s/ JoAnn Marie Pack, R.Ph. Respondent Date Signed: 07/31/07

/s/ Mark A. Zicarelli
Attorney for Respondent Date Signed: 07/31/07

/s/ Gregory Braylock, President
Ohio State Board of Pharmacy Date Signed: 08/06/07

/s/ Sally Ann Steuk
Ohio Assistant Attorney General Date Signed: 08/06/07

11:35 a.m. The Board reviewed a revised contract form provided by **Davita Pharmacy**, (02-1586150) Orlando, Florida, that included prominent language notifying the patient of his/her right to return to a previous pharmacy. This was requested by the Board pursuant to a Prescription pick-up station (Ohio Administrative Code Rule 4729-5-10) exemption that was approved on a contingent basis at the July, 2007 meeting. After discussion, the consensus of the Board was that the Board's requirement had been met and the Pick-up Station exemption approval was now final.

Mr. Keeley announced that the new and revised rules previously approved by the Board were filed on August 1, 2007.

After reviewing additional information provided to the Board pursuant to its request at the July, 2007, meeting, the consensus of the Board was that the **WellPoint Next RX** pharmacist Work-at-Home program was acceptable. The Board had previously given the program conditional approval subject to receiving statistics showing the safety of the program. The Board did note that any expansion of the program to pharmacists located outside of Ohio would require additional Board review before any such expansion could occur.

R-2008-015 Mr. Winsley discussed his review of the **Walgreens'** Workload-Sharing program with the Board. The Board had previously deemed the system approvable pending final inspection. He indicated that no problems were found and the system appeared to be functioning as intended. Therefore the program could now be given final approval. He also discussed the use of color scanners for prescription reviews by the pharmacists. Mrs. Gregg moved that the program, including the use of the color scanners without a pharmacist's final review of the paper prescription, be approved. The motion was seconded by Mr. Mitchell and approved by the Board: *Aye* – 8.

11:57 a.m. The Board recessed for lunch.

1:00 p.m. The Board reconvened in room East B, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with all members present.

Mrs. Droz updated the Board on the Prescription Drug Monitoring Program.

R-2008-016 The Board considered a request for an exemption to Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station) received for the following sites:

Teregen Laboratories, Willoughby, Ohio (02-1235150)
Various physician offices on letter of request

After discussion, Mrs. Gregg moved that the Board approve the request as long as the parties to the request comply with the requirements in the rule for such an exemption. The motion was seconded by Mrs. Teater and approved by the Board: *Aye* – 8.

R-2008-017 The Board considered a request for an exemption to Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station) received for the following sites:

Apria Healthcare, Columbus, Ohio (02-0857850)
OSU Neurology Center, Columbus, Ohio

After discussion, Mrs. Gregg moved that the Board approve the request as long as the parties to the request comply with the requirements in the rule for such an exemption. The motion was seconded by Ms. Pasquale and approved by the Board: Aye – 8.

- 1:32 p.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Christopher T. Ball**, intern, (06-0-03830) Cincinnati, Ohio.
- 2:28 p.m. The hearing ended and the record was closed.
- 2:29 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 Ohio Revised Code. The motion was seconded by Mr. Kolezynski and a roll-call vote was conducted by President Braylock as follows: Gregg – yes; Kolezynski – yes; Lipsyc – yes; Mitchell – yes; Pasquale – yes; Turner – yes; Teater – yes; and Wiesenbahn – yes.
- 2:37 p.m. The Executive Session ended and the meeting was opened to the public.

R-2008-018 Mrs. Gregg moved that the Board adopt the following order in the matter of **Christopher T. Ball**, intern, (06-0-03830) Cincinnati, Ohio. The motion also included a request for early notification.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-070123-028

in the matter of:

CHRISTOPHER T. BALL

3605 Westwood Northern Boulevard
Cincinnati, Ohio 45211

Intern License Number 06-0-03830

INTRODUCTION

The matter of Christopher T. Ball came for hearing on August 6, 2007, before the following members of the Board: Gregory Braylock, R.Ph. (*presiding*); Elizabeth I. Gregg, R.Ph.; Richard F. Kolezynski, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; Heather L. Pasquale, R.Ph.; Dorothy S. Teater, Public Member; James E. Turner, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.

Christopher T. Ball was represented by John J. Helbling. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses: None

Respondent's Witness: Christopher T. Ball, Respondent

State's Exhibits:

1. Reinstatement Hearing Request letter from Christopher Thomas Ball [01-15-06]
1A-1C. Procedurals
2. State Board of Pharmacy Order in re Christopher T. Ball [11-08-06]

Respondent's Exhibits:

- A. State Board of Pharmacy Order in re Christopher T. Ball [11-08-06]
- B. Two PRO Pharmacist's Recovery Contracts for Chris T. Ball [10-05-06 and 11-29-06]
- C. Calendar pages for October 2006 to August 2007; Support Group Attendance Records [10-09-06 to 08-03-07]
- D. FirstLab Test History Report [11-08-06 to 08-02-07]; Calendar pages for November 2006 to July 2007; Drug Screen Reports [11-04-06 to 07-27-07]
- E. Progress Report letter from Stan Reid CCDC [06-22-07]
- F. Entry: Terminating Supervision, State of Ohio vs. Christopher T. Ball, Case No. B0604060-1, Hamilton County Common Pleas Court [06-05-07]; Hamilton County Probation Department Receipt No. 071502058347 [05-08-07]
- G. Three Letters of Support [06-13-07 to 07-10-07]
- H. Copy of Restitution Payment Documentation to Kroger Company [01-12-07 to 07-12-07]

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 that Christopher T. Ball has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-060511-071, effective November 8, 2006.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the intern identification card, No. 06-0-03830, held by Christopher T. Ball.

Further, the Board places Christopher T. Ball on probation for five years beginning on the effective date of this Order. The terms of probation are as follows:

- (A) Christopher T. Ball 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 his intern 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) Christopher T. Ball 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 Christopher T. Ball's progress towards recovery and what Christopher T. Ball has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) Christopher T. Ball must continue restitution payments to the Kroger Company.
 - (2) Christopher T. Ball must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.
 - (3) Christopher T. Ball must not violate the drug laws of Ohio, any other state, or the federal government.
 - (4) Christopher T. Ball must abide by the rules of the State Board of Pharmacy.
 - (5) Christopher T. Ball must comply with the terms of this Order.
 - (6) Christopher T. Ball's license is deemed not in good standing until successful completion of the probationary period.
- (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.

Christopher T. Ball 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.

Mr. Lipsyc seconded the motion and it was approved by the Board: Aye – 8.

Mr. Keeley then discussed the Legislative Report with the Board.

3:05 p.m. The Board recessed briefly.

- 3:13 p.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Gina M. Scandy**, R.Ph., (03-2-15310) Warren, Ohio.
- 3:55 p.m. The hearing ended and the record was closed.
- 3:56 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 Ohio Revised Code The motion was seconded by Mr. Wiesenhahn and a roll-call vote was conducted by President Braylock as follows: Gregg – yes; Kolezynski – yes; Lipsyc – yes; Mitchell – yes; Pasquale – yes; Turner – yes; Teater – yes; and Wiesenhahn – yes.
- 3:59 p.m. The Executive Session ended and the meeting was opened to the public.

R-2008-019 Mrs. Gregg moved that the Board adopt the following order in the matter of **Gina M. Scandy**, R.Ph., (03-2-15310) Warren, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-070123-029

in the matter of:

GINA M. SCANDY, R.Ph.
2708 North River Road
Warren, Ohio 44483

R.Ph. Number 03-2-15310

INTRODUCTION

The matter of Gina M. Scandy came for hearing on August 6, 2007, before the following members of the Board: Gregory Braylock, R.Ph. (*presiding*); Elizabeth I. Gregg, R.Ph.; Richard F. Kolezynski, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; Heather L. Pasquale, R.Ph.; Dorothy S. Teater, Public Member; James E. Turner, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Gina M. Scandy was represented by Peter T. Cahoon. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness: Gina M. Scandy, R.Ph., Respondent

Respondent's Witness: Curtis Wilson

State's Exhibits:

1. Reinstatement Hearing Request letter from Peter T. Cahoon [01-11-07]
1A-1C. Procedurals
2. State Board of Pharmacy Order In Re Gina M. Scandy [05-11-06]

Respondent's Exhibits:

- A. State Board of Pharmacy Order In Re Gina M. Scandy [05-11-06]
- B. State Board of Pharmacy Hearing Schedule Letter [05-25-07]
- C. PRO Pharmacist's Recovery Contract for Gina M. Scandy [05-16-06]
- D. Journal Entry, State of Ohio vs Gina M. Scandy, Case No. 05-CR-678, Trumbull County Common Pleas Court [07-24-07]
- E. Copy of Check No. 5930137050 made payable to Overholt's Pharmacy [04-21-07]

- F. Trumbull County Common Pleas Court Verification of Payment of Court Costs and Drug Court Fees [02-06-06 to 07-16-07]
- G. Drug Court Individualized Service Plan [08-14-06]
- H. Drug Court Individualized Service Plan Review [11-21-06]
- I. Progress Report Letter from Earl Roman, CCDC I [09-20-06]
- J. Progress Report Letter from George R. Jarbeck, MEd, LPC, LICDC and Earl Roman, DDCD I [04-24-07]
- K. Progress Report Letter from George R. Jarbeck, MEd, LPC, LICDC and Earl Roman, DDCD I, [07-24-07]
- L. Certificate of Achievement [07-24-07]
- M. Certificate Award of Excellence [07-24-07]
- N. Calendars pages for March 2006 to July 2007
- O. Support Group Attendance Records [02-27-06 to 07-28-07]
- P. Drug Screen Reports with payment receipts [04-05-06 to 04-19-07]
- Q. FirstLab Urine Test History Report [09-29-05 to 04-29-07]; E-Mail correspondence between Michael D. Quigley, R.Ph. and Heather Samuels [05-03-07 to 05-04-07]
- R. Continuing Pharmaceutical Education Credits and Certificates [04-30-06 to 07-30-07]
- S-Z. Eight Letters of Support [05-06-06 to 07-16-07]
- AA. FirstLab Urine Test History Report [09-29-05 to 07-27-07]
- BB. Support Group Attendance Records [07-31-07 and 08-02-07]

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Gina M. Scandy has complied with the terms set forth in the Order of the State Board of Pharmacy, Docket No. D-050817-019, effective May 11, 2006.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-2-15310, held by Gina M. Scandy to practice pharmacy in Ohio and places Gina M. Scandy on probation for five years beginning on the effective date of this Order, with the following conditions:

- (A) Gina M. Scandy 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) Gina M. Scandy 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 Gina M. Scandy's progress towards recovery and what Gina M. Scandy 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 Gina M. Scandy'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) Gina M. Scandy may not serve as a responsible pharmacist.
 - (3) Gina M. Scandy may not destroy, assist in, or witness the destruction of controlled substances.
 - (4) Gina M. Scandy must abide by the contract with her treatment provider and must immediately report any violation of the contract to the Board.
 - (5) Gina M. Scandy must not violate the drug laws of Ohio, any other state, or the federal government.
 - (6) Gina M. Scandy must abide by the rules of the State Board of Pharmacy.
 - (7) Gina M. Scandy must comply with the terms of this Order.
 - (8) Gina M. Scandy's license is deemed not in good standing until successful completion of the probationary period.
- (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.

Gina M. Scandy 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.

Mr. Mitchell seconded the motion and it was approved by the Board: *Aye* – 8.

Mr. Braylock said there was no Nursing Board Committee on Prescriptive Governance Report this month.

Mr. Mitchell discussed the July meeting of the Medical Board Physician Assistant Policy Committee.

4:13 p.m. The Board recessed for the day.

Tuesday, August 7, 2007

10:00 a.m. The Ohio State Board of Pharmacy convened in room East B, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Gregory Braylock, R.Ph., *President*; Nathan S. Lipsyc, R.Ph., *Vice-President*; Elizabeth I. Gregg, R.Ph.; Richard F. Kolezynski, R.Ph.; Kevin J. Mitchell, R.Ph.; Heather L. Pasquale, R.Ph.; Dorothy S. Teater, Public Member; James E. Turner, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.

Mr. McMillen discussed the Licensing Report with the Board.

R-2008-020 Mr. McMillen presented a request from pharmacy intern **Yu-en Wu**, (06-0-06093) Mason, Ohio for permission to extend her internship for one year only pursuant to Rule 4729-3-04 (Pharmacy Intern Identification Card Renewal). After discussion, Mrs. Teater moved that Ms. Wu's request be approved for one year only. The motion was seconded by Mr. Kolezynski and approved by the Board: *Aye* – 8.

R-2008-021 Mr. McMillen then presented a request from pharmacy intern, **Sohier Abdulsalam** (06-0-05956) Sugar Creek, Ohio for permission to extend her internship one additional year due to extraordinary circumstances pursuant to Rule 4729-3-04 (Pharmacy Intern Identification Card Renewal). After discussion, Mr. Turner moved that Ms. Abdulsalam's request be approved for one year only. The motion was seconded by Mr. Wiesenbahn and approved by the Board: *Aye* – 8.

10:30 a.m. The Board recessed briefly.

10:43 a.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Nicklaus MacDonald**, R.Ph., (03-3-25882) Hamilton, Ohio.

11:31 a.m. The hearing ended and the record was closed.

11:32 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 Ohio Revised Code. The motion was seconded by Mr. Kolezynski and a roll-call vote was conducted by President Braylock as follows: Gregg – yes; Kolezynski – yes; Lipsyc – yes; Mitchell – yes; Pasquale – yes; Turner – yes; Teater – yes; and Wiesenbahn – yes.

12:05 p.m. The Executive Session ended and the meeting was opened to the public.

Mrs. Gregg moved that the hearing in the matter of Nicklaus MacDonald, R.Ph., (03-3-25882) Hamilton, Ohio, be continued for 90 days pending receipt of additional information. Mr. Wiesenhahn seconded the motion and it was approved by the Board: Aye – 8.

12:06 p.m. The Board recessed for lunch.

1:30 p.m. The Board reconvened in room South A, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with all members present.

R-2008-022

The following candidates for licensure by reciprocity introduced themselves and participated in a discussion of pharmacy laws and rules with Mr. McMillen. They were then presented their pharmacist identification cards.

Robert Abraham Alleavitch	03-2-28112	New York
Joseph James Aloï	03-2-28252	Virginia
Nazneen Zahid Bawangaonwala	03-2-28055	Maryland
Willis J. Breen	03-2-27886	Vermont
Brian Matthew Camerlin	03-2-28268	West Virginia
Jaime Lynn Carpenter	03-2-28243	Michigan
Bryan Scott Dotson	03-2-28297	Michigan
Ramzia Mohamad El-annan	03-2-28294	Pennsylvania
Shawn Richard Ference	03-2-28224	Pennsylvania
Alexander Paul Gordon	03-2-28300	Indiana
Amber Dawn Hartman	03-2-28298	Indiana
John Martin Hensley	03-2-27737	West Virginia
Mary Ho	03-2-28281	California
Jeena Kuruvilla Jacob	03-2-28157	Texas
John Philip Mcarter	03-2-28295	Kentucky
Selina Catherine Mirjavadi	03-2-27872	Michigan
Prakash Shirish Naik	03-2-28223	Pennsylvania
Lakshmi Padmanabhan	03-2-28232	Michigan
Gul Abdur Rahman	03-2-28273	Indiana
Gary Frank Sobocinski	03-2-28241	Missouri
Eric Jason Stephens	03-2-28073	Kentucky
Suparna Trisal	03-2-28271	Michigan
Vanessa Ann Troia	03-2-28288	North Carolina
Julie Elizabeth Williamson	03-2-28261	South Carolina

1:50 p.m. The Board meeting continued in room East B following the reciprocity presentation.

After discussion, Mrs. Gregg moved that the Board minutes of July 9 -10, 2007, be approved as amended. Mr. Turner seconded the motion and it was approved by the Board: Aye – 8.

2:33 p.m. The Board recessed for the day.

Wednesday, August 8, 2007

8:45 p.m. The Ohio State Board of Pharmacy convened in room East B, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Gregory Braylock, R.Ph., *President*; Nathan S. Lipsyc, R.Ph., *Vice-President*; Elizabeth I. Gregg, R.Ph.; Richard F. Kolezynski, R.Ph.; Kevin J. Mitchell, R.Ph.; Heather L. Pasquale, R.Ph.; Dorothy S. Teater, Public Member; James E. Turner, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

8:52 a.m. Mr. Winsley said there would be no Medical Board Prescribing Committee Report this month.

Mr. Kolezynski discussed the Probation Report to the Board. There were no issues requiring Board action.

8:59 a.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Allison Re**, R.Ph., (03-3-24114) Cincinnati, Ohio.

11:19 a.m. The hearing ended and the record was closed.

11:20 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 Ohio Revised Code. The motion was seconded by Ms. Pasquale and a roll-call vote was conducted by President Braylock as follows: Gregg – yes; Kolezynski – yes; Lipsyc – yes; Mitchell – yes; Pasquale – yes; Turner – yes; Teater – yes; and Wiesenhahn – yes.

11:52 a.m. The Executive Session ended and the meeting was opened to the public.

R-2008-023 Mrs. Teater moved that the Board adopt the following order in the matter of **Allison Re**, R.Ph., (03-3-24114) Cincinnati, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY
Docket Numbers D-061213-021 and D-070122-027

in the matter of:

ALLISON JOY RE, R.Ph.
6560 Michael Drive
Cincinnati, Ohio 45243

R.Ph. Number 03-3-24114

INTRODUCTION

The matter of Allison Joy Re came for hearing on August 8, 2007, before the following members of the Board: Gregory Braylock, R.Ph. (*presiding*); Elizabeth I. Gregg, R.Ph.; Richard F. Kolezynski, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; Heather L. Pasquale, R.Ph.; Dorothy S. Teater, Public Member; James E. Turner, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Allison Joy Re was represented by Kimberly A. Rutowski. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness: Richard Haun, Ohio State Board of Pharmacy

Respondent's Witnesses: Allison Joy Re, R.Ph., Respondent
James Liebetrau, R.Ph.

State's Exhibits:

1. Notice of Opportunity for Hearing letter [12-13-06]
1A-1B. Procedurals
1C. Summary Suspension Order/Notice of Opportunity For Hearing letter [01-22-07]
1D-1G. Procedurals
2. Notarized Statement of Allison J. Re [11-29-06]
3. Prescription for Actiq written for Allison Re by Lindy Wyatt, M.D. [08-11-06]
4. CVS Schedule II Inventory Log [03-26-06 to 11-25-06]

5. Letter from Paul Higginbotham [01-08-07]
6. Hand-written Drug Price list [not dated]
7. Notarized Statement of Athena Walsh [01-08-07]
8. Notarized Statement of Michael Seaman [01-08-07]
9. Notarized Statement of Allison Re [01-12-07]
10. Indictment, State of Ohio vs. Allison J. Nee, Case No. B0700684, Hamilton County Common Pleas Court [01-30-07]; Entry Withdrawing Plea of Not Guilty and Entering Plea of Guilty [05-31-07]; Entry Appointing Court Clinic Forensic Services For Examination [05-31-07]; Entry of Dismissal [07-16-07]; Sentencing Worksheet [07-16-07]

Respondent's Exhibits:

- A. Letter from Vincent Re [not dated]; Four Treatment Reports [07-17-07 to 07-19-07]; Five Letters of Character [07-20-07 to 07-24-07]; Four Letters of Reference [07-13-07 to 07-24-07]
- B. Calendar pages for January 2007 to July 2007; Support Group Attendance Records [01-19-07 to 07-31-07]
- C. PRO Pharmacist's Recovery Contract for Allison Re [03-14-07]
- D. FirstLab Test History Report [04-30-07 to 06-28-07]; Calendar pages for April 2007 to July 2007; Six payment receipts from Bethesda Healthcare Inc. [04-30-07 to 07-18-07]; Drug Screen Reports [05-22-07 to 07-18-07]
- E. Letter from Allison Re [not dated]; Pro Client Quarterly Report [07-11-07]; Client Self Report [06-29-07]; Client Monitoring Sheet [04-01-07 to 06-30-07]
- F. Letter from David E. Hardin to Mrs. Allison Re [07-18-07]; Medical Record [07-11-07]
- G. CVS posPickup File [07-20-07]
- H. Letter from CVS Pharmacy to Allison Re [07-22-07]; CVS Pharmacy #2764 Patient Prescription Record [08-01-05 to 05-18-07]; Letter from Rena L. Kay, M.D. to Steve Lazarus and Kim Rutowski [07-24-07]
- I. Twenty-four Continuing Pharmaceutical Education Credits and Certificates [04-22-07 to 07-23-07]

FINDINGS OF FACT

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

- (1) Records of the State Board of Pharmacy indicate that Allison Joy Re was originally licensed by the State of Ohio as a pharmacist on July 27, 2000, pursuant to examination, and that her license to practice pharmacy in Ohio was summarily suspended effective January 22, 2007.
- (2) Allison Joy Re did, on or about September 15, 2006, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS Pharmacy, beyond the express or implied consent of the owner, to wit: Allison Joy Re admittedly stole 21 Actiq 400 mg lozenges, a schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (3) Allison Joy Re did, on or about September 22, 2006, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS Pharmacy, beyond the express or implied consent of the owner, to wit: Allison Joy Re admittedly stole 120 Actiq 600 mg lozenges, a schedule II controlled substance. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (4) Allison Joy Re did, on or about between December 6, 2006 and January 11, 2007, knowingly offer to sell a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: without a valid prescription, Allison Joy Re admittedly offered to sell 10 tablets of OxyContin 40 mg, 12 tablets of OxyContin 20 mg, 50 tablets of methadone 10 mg and 8 tablets of methadone 40 mg, Schedule II controlled substances, 100 tablets of Ativan 1 mg, 100 tablets of Klonopin .5 mg, and 12 tablets of Klonopin 2 mg, Schedule IV controlled substances, to a friend named Michelle. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.
- (5) Allison Joy Re did, on or about between December 6, 2006 and January 11, 2007, knowingly sell a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: without a valid prescription, Allison Joy Re admittedly sold 8 tablets of methadone 40 mg, 6 tablets of OxyContin 40 mg and 6 tablets of OxyContin 20 mg, Schedule II controlled substances, to a friend named Michelle. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.
- (6) Allison Joy Re did, on or about January 12, 2007, knowingly possess a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Allison Joy Re possessed 4 tablets of OxyContin 40 mg and 6 tablets of OxyContin 20 mg, Schedule II controlled substances, in her home without having a valid prescription for the drugs. Such conduct violates Section 2925.11 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (2) through (6) of the Findings of Fact constitute being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (2) 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 paragraphs (4) through (6) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Allison Joy Re on January 22, 2007.

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 Allison Joy Re as follows:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-3-24114, held by Allison Joy Re effective as of the date of the mailing of this Order.

- (B) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-3-24114, held by Allison Joy Re effective as of the date of the mailing of this Order.
- (C) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law, the State Board of Pharmacy hereby revokes permanently the pharmacist identification card, No. 03-3-24114, held by Allison Joy Re effective as of the date of the mailing of this Order.

Allison Joy Re, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her license to practice (pocket ID card) and registration (wall certificate) to the office of the 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.

Mr. Mitchell seconded the motion and it was approved by the Board: *Aye – 5/Nay – 3.*

11:54 a.m. The Board recessed for lunch.

1:00 p.m. The Board reconvened with all members present.

1:02 p.m. The Board was joined by Assistant Attorney General Sally Ann Steuk to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Gregory T. Fisher**, R.Ph., (03-2-21259) Washington Township, Ohio.

1:47 p.m. The hearing ended and the record was closed.

1:48 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 Ohio Revised Code. The motion was seconded by Mr. Wiesenhahn and a roll-call vote was conducted by President Braylock as follows: Gregg – yes; Kolezynski – yes; Lipsyc – yes; Mitchell – yes; Pasquale – yes; Turner – yes; Teater – yes; and Wiesenhahn – yes.

1:55 p.m. The Executive Session ended and the meeting was opened to the public.

R-2008-024 Mr. Mitchell moved that the Board adopt the following order in the matter of in the matter of **Gregory T. Fisher**, R.Ph., (03-2-21259) Washington Township, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-070403-037

in the matter of:

GREGORY THOMAS FISHER, R.Ph.

204 Laura Avenue

Washington Township, Ohio 45458

R.Ph. Number 03-2-21259

INTRODUCTION

The matter of Gregory Thomas Fisher came for hearing on August 8, 2007, before the following members of the Board: Gregory Braylock, R.Ph. (*presiding*); Elizabeth I. Gregg, R.Ph.; Richard F. Kolezynski, R.Ph.; Nathan S. Lipsyc, R.Ph.; Kevin J. Mitchell, R.Ph.; Heather L. Pasquale, R.Ph.; Dorothy S. Teater, Public Member; James E. Turner, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Gregory Thomas Fisher was not represented by counsel. The State of Ohio was represented by Sally Ann Steuk, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses: Jesse Wimberly, Ohio State Board of Pharmacy
Gregory Thomas Fisher, R.Ph., Respondent

Respondent's Witnesses: None

State's Exhibits:

1. Summary Suspension Order/Notice of Opportunity For Hearing letter [04-03-07]
1A-1D. Procedurals
2. Notarized Statement of Jason Briscoe [01-30-07]
3. Letter from Tom Nameth, R.Ph. to Ohio State Board of Pharmacy [02-05-07]; Report of Theft or Loss of Controlled Substances at Discount Drug Mart #57 [02-05-07]
4. Notarized Statement of Greg Fisher, R.Ph. [02-20-07]
5. Discount Drug Mart Store #57 Inventory for Vicodin ES, Hydroc/APAP 7.5/750, Tylenol #3, APAP #3 [not dated]

Respondent's Exhibits:

- A. Turning Point Certificate of Achievement [05-24-07]
- B. PRO Pharmacist's Recovery Contract for Gregory T. Fisher [07-20-07]
- C. Support Group Attendance Records [07-21-07 to 08-04-07]

FINDINGS OF FACT

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

- (1) Records of the Board of Pharmacy indicate that Gregory Thomas Fisher was originally licensed by the State of Ohio as a pharmacist on July 27, 1995, pursuant to examination, and that his license to practice pharmacy in Ohio was summarily suspended effective April 3, 2007.
- (2) Gregory Thomas Fisher is addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Gregory Thomas Fisher has admitted to Board agents that he is addicted to the use of hydrocodone; Gregory Thomas Fisher indicated that he began stealing the drug in May of 2003 after having been prescribed Vicodin for foot pain. Gregory Thomas Fisher further indicated that he consumed between 35 and 40 tablets per day. Gregory Thomas Fisher admitted that he sought treatment for his addiction. Such conduct indicates that Gregory Thomas Fisher is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) Gregory Thomas Fisher did, from May, 2003, through July, 2006, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of The Medicine Shoppe Pharmacy in Xenia, Ohio, beyond the express or implied consent of the owner, to wit: Gregory Thomas Fisher admittedly stole various strengths and quantities of hydrocodone/APAP, a Schedule III Controlled Substance, to support his addiction. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Gregory Thomas Fisher did, from November, 2006, through January, 2007, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Discount Drug Mart, Bellbrook, Ohio, beyond the express or implied consent of the owner, to wit: Gregory Thomas Fisher admittedly stole various strengths and quantities of hydrocodone/APAP, a

Schedule III Controlled Substance to support his addiction. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (3) and (4) of the Findings of Fact constitute being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (3) and (4) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Gregory Thomas Fisher on April 3, 2007.

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. 03-2-21259, held by Gregory Thomas Fisher and such suspension is effective as of the date of the mailing of this Order.

- (A) Gregory Thomas Fisher, 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) Gregory Thomas Fisher, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his 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 August 2008, the Board will consider any petition filed by Gregory Thomas Fisher 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) Gregory Thomas Fisher must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, and submit a copy of the signed contract to the Board office. The contract must provide that:
 - (1) Random, observed urine drug screens shall be conducted at least once each month.

- (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
- (2) The intervener/sponsor shall submit to the Board reports, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
 - (3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Gregory Thomas Fisher must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
 - (C) Gregory Thomas Fisher must provide, at the reinstatement petition hearing, documentation of the following:
 - (1) Must continue efforts of payment for restitution.
 - (2) 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.);
 - (3) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
 - (4) Compliance with the terms of this Order.
 - (D) If reinstatement is not accomplished within three years of the effective date of this Order, Gregory Thomas Fisher must also show successful completion of the NAPLEX and MPJE examinations or equivalent examinations approved by the Board.

Upon such time as the Board may consider reinstatement, Gregory Thomas Fisher 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.

Mr. Turner seconded the motion and it was approved by the Board: Aye – 8.

1:57 p.m. The Board recessed briefly.

2:03 p.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 Ohio Revised Code. The motion was seconded by Mr. Kolezynski and a roll-call vote was conducted by President Braylock as follows: Gregg – yes; Kolezynski – yes; Lipsyc – yes; Mitchell – yes; Pasquale – yes; Turner – yes; Teater – yes; and Wiesenhahn – yes.

2:54 p.m. The Executive Session ended and the meeting was opened to the public.

R-2008-025 The Board considered a request for an exemption to the Ohio Administrative Code Rule 4729-5-11 (Responsible person) requesting that **Daniel Gueth**, R.Ph., (03-2-11364) Dayton, Ohio be permitted to be the responsible person for the following sites:

Miami Valley Hospital (02-0035050)
Miami Valley South Health Center (02-1740150)

After discussion, Mrs. Gregg moved that the Board approve the request for one year. The motion was seconded by Mr. Turner and approved by the Board: Aye – 8.

2:56 p.m. Mrs. Gregg moved that the Board receive Per Diem as follows:

PER DIEM	<u>07/17</u>	<u>08/06</u>	<u>08/07</u>	<u>08/08</u>	<u>Total</u>
Braylock	-	1	1	1	3
Gregg	-	1	1	1	3
Kolezynski	1	1	1	1	4
Lipsyc	-	1	1	1	3
Mitchell	-	1	1	1	3
Pasquale	-	1	1	1	3
Teater	-	1	1	1	3
Turner	-	1	1	1	3
Wiesenhahn	1	1	1	1	4

The motion was seconded by Ms. Pasquale and approved by the Board: Aye – 8.

2:56 p.m. Mr. Lipsyc moved that the meeting be adjourned. The motion was seconded by Mr. Turner and approved by the Board: Aye – 8.

The Ohio State Board of Pharmacy
approved these Minutes September 12, 2007