

**Minutes of the March 8-10, 2010**  
**Meeting of the Ohio State Board of Pharmacy**

**Monday, March 8, 2010**

10:10 a.m. The Ohio State Board of Pharmacy convened in the Lobby Hearing Room, 30 East Broad Street, Columbus, Ohio, with the following members present:

Elizabeth I. Gregg, R.Ph., *President*; Heather L. Pasquale, R.Ph., *Vice-President*; Edward T. Cain, Public Member; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Also present were William T. Winsley, *Executive Director*; Mark Keeley, *Legislative Affairs Administrator*; Kyle Parker, *Licensing Administrator*; Chris Reed, *Compliance Supervisor*; David Rowland, *Legal Affairs Administrator*; and Tracy Greuel, *Assistant Attorney General*.

**R-2010-146** Mr. Rowland announced that the following Settlement Agreements had been signed by all parties, making them effective.

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**

Docket Number D-100208-052

*in the matter of:*

**SHELLY R. BAIR, R.Ph.**

1151 Charlotte Circle  
Van Wert, Ohio 45891

R.Ph. Number 03-3-16049

This Settlement Agreement is entered into by and between Shelly R. Bair 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.

Shelly R. Bair voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Shelly R. Bair acknowledges that by entering into this Agreement she has waived her 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, Shelly R. Bair is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 8, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Shelly R. Bair was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Shelly R. Bair accepted this offer for settlement rather than

a hearing. The February 8, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Shelly R. Bair was originally licensed in the State of Ohio on August 2, 1985, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Shelly R. Bair did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Shelly R. Bair was short on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Shelly R. Bair neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 8, 2010; 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, Shelly R. Bair knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Shelly R. Bair herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Shelly R. Bair will submit additional documentation within 45 days from the effective date of this Agreement, else Shelly R. Bair's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Shelly R. Bair 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 the Agreement and 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.

Shelly R. Bair 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. 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.

Shelly R. Bair 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. Shelly R. Bair waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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/ Shelly R. Blair, R.Ph.

Date Signed: 02/22/10

*Respondent*

/s/ Elizabeth I. Gregg

Date Signed: 03/08/10

*President; Ohio State Board of Pharmacy*

/s/ Tracy Marie Greuel

Date Signed: 03/04/10

*Ohio Assistant Attorney General*

**R-2010-147**

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**

Docket Number D-100208-056

*in the matter of:*

**JEFFREY B. CLARK, R.Ph.**

1352 Beach Avenue  
Lakewood, Ohio 44107

R.Ph. Number 03-3-13396

This Settlement Agreement is entered into by and between Jeffrey B. Clark 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.

Jeffrey B. Clark 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. Jeffrey B. Clark 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, Jeffrey B. Clark is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 8, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Jeffrey B. Clark 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. Jeffrey B. Clark accepted this offer for settlement rather than a hearing. The February 8, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Jeffrey B. Clark was originally licensed in the State of Ohio on August 8, 1979, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Jeffrey B. Clark did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Jeffrey B. Clark was short on board

approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Jeffrey B. Clark neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 8, 2010; 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, Jeffrey B. Clark knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Jeffrey B. Clark herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Jeffrey B. Clark will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Jeffrey B. Clark's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Jeffrey B. Clark 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 the Agreement and 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.

Jeffrey B. Clark 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.

Jeffrey B. Clark 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. Jeffrey B. Clark waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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/ Jeffrey B. Clark, R.Ph.

Date Signed: 02/15/10

*Respondent*

/s/ Elizabeth I. Gregg

Date Signed: 03/08/10

*President; Ohio State Board of Pharmacy*

/s/ Tracy Marie Greuel

Date Signed: 03/04/10

*Ohio Assistant Attorney General*

**R-2010-148****SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**

Docket Number D-100208-057

*in the matter of:***VIORICA E. DUTA, R.Ph.**

23 Fisher Lane

Ft. Thomas, Kentucky 41075

R.Ph. Number 03-3-21965

This Settlement Agreement is entered into by and between Viorica E. Duta 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.

Viorica E. Duta voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Viorica E. Duta acknowledges that by entering into this Agreement she has waived her 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, Viorica E. Duta is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 8, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Viorica E. Duta was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Viorica E. Duta accepted this offer for settlement rather than a hearing. The February 8, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Viorica E. Duta was originally licensed in the State of Ohio on September 17, 1996, pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Viorica E. Duta did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Viorica E. Duta was short on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Viorica E. Duta neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 8, 2010; 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, Viorica E. Duta knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Viorica E. Duta herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Viorica E. Duta will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Viorica E. Duta's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Viorica E. Duta 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 the Agreement and 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.

Viorica E. Duta 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. 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.

Viorica E. Duta 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. Viorica E. Duta waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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/ Viorica E. Duta, R.Ph. Date Signed: 02/17/10  
*Respondent*

/s/ Elizabeth I. Gregg Date Signed: 03/08/10  
*President; Ohio State Board of Pharmacy*

/s/ Tracy Marie Greuel Date Signed: 03/04/10  
*Ohio Assistant Attorney General*

**R-2010-149****SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**

Docket Number D-100205-042

*in the matter of:***HOUDA M. HAZIMAH, R.Ph.**5243 Eagle Ridge Lane  
Sylvania, Ohio 43560

R.Ph. Number 03-3-17010

This Settlement Agreement is entered into by and between Houda M. Hazimah 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.

Houda M. Hazimah voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Houda M. Hazimah acknowledges that by entering into this Agreement she has waived her 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, Houda M. Hazimah is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 4, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Houda M. Hazimah was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Houda M. Hazimah accepted this offer for settlement rather than a hearing. The February 4, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Houda M. Hazimah was originally licensed in the State of Ohio on October 2, 1987, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Houda M. Hazimah did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Houda M. Hazimah was short 0.1 Continuing Education Unit (C.E.U.) on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Houda M. Hazimah neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 4, 2010; 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, Houda M. Hazimah knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Houda M. Hazimah herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Houda M. Hazimah will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Houda M. Hazimah's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Houda M. Hazimah's 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 the Agreement and 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.

Houda M. Hazimah's 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. 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.

Houda M. Hazimah 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. Houda M. Hazimah waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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/ Houda M. Hazimah R.Ph. Date Signed: 02/10/10  
*Respondent*

/s/ Elizabeth I. Gregg Date Signed: 03/08/10  
*President; Ohio State Board of Pharmacy*

/s/ Tracy Marie Greuel Date Signed: 03/04/10  
*Ohio Assistant Attorney General*

**R-2010-150****SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**

Docket Number D-100205-045

*in the matter of:*

**DANIELLE TIMMS, R.Ph.**  
25527 Butternut Ridge Road  
N. Olmsted, Ohio 44070

R.Ph. Number 03-3-25739

This Settlement Agreement is entered into by and between Danielle Timms 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.

Danielle Timms voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Danielle Timms acknowledges that by entering into this Agreement she has waived her 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, Danielle Timms is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 4, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Danielle Timms was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Danielle Timms accepted this offer for settlement rather than a hearing. The February 4, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Danielle Timms was originally licensed in the State of Ohio on July 10, 2003, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Danielle Timms did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Danielle Timms was short 0.1 Continuing Education Unit (C.E.U.) on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Danielle Timms neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 4, 2010; 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, Danielle Timms knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Danielle Timms herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Danielle Timms will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Danielle Timms' license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Danielle Timms 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 the Agreement and 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.

Danielle Timms 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. 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.

Danielle Timms 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. Danielle Timms waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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/ Danielle Timms, R.Ph. Date Signed: 02/09/10

*Respondent*

/s/ Elizabeth I. Gregg Date Signed: 03/08/10

*President; Ohio State Board of Pharmacy*

/s/ Tracy Marie Greuel Date Signed: 03/04/10

*Ohio Assistant Attorney General*

**R-2010-151**

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**

Docket Number D-100208-048

*in the matter of:*

**TAMMY REEVES, R.Ph.**

1324 Schneider Street  
North Canton, Ohio 44720

R.Ph. Number 03-3-19947

This Settlement Agreement is entered into by and between Tammy Reeves 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.

Tammy Reeves voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Tammy Reeves acknowledges that by entering into this Agreement she has waived her 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, Tammy Reeves is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 8, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Tammy Reeves was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Tammy Reeves accepted this offer for settlement rather than a hearing. The February 8, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Tammy Reeves was originally licensed in the State of Ohio on October 27, 1993, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.

- (2) Tammy Reeves did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Tammy Reeves was short on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Tammy Reeves neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 8, 2010; 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, Tammy Reeves knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Tammy Reeves herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Tammy Reeves will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Tammy Reeves' license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Tammy Reeves 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 the Agreement and 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.

Tammy Reeves 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. 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.

Tammy Reeves 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. Tammy Reeves waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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/ Tammy Reeves, R.Ph. Date Signed: 02/25/10  
*Respondent*

/s/ Elizabeth I. Gregg Date Signed: 03/08/10  
*President; Ohio State Board of Pharmacy*

/s/ Tracy Marie Greuel Date Signed: 03/04/10  
*Ohio Assistant Attorney General*

**R-2010-152****SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**

Docket Number D-100208-049

*in the matter of:***SANDRA JOAN KAMENSKY, R.Ph.**17905 Chateau Trail  
Chagrin Falls, Ohio 44023

R.Ph. Number 03-3-19900

This Settlement Agreement is entered into by and between Sandra Joan Kamensky 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.

Sandra Joan Kamensky voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Sandra Joan Kamensky acknowledges that by entering into this Agreement she has waived her 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, Sandra Joan Kamensky is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 8, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Sandra Joan Kamensky was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Sandra Joan Kamensky accepted this offer for settlement rather than a hearing. The February 8, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Sandra Joan Kamensky was originally licensed in the State of Ohio on July 28, 1993, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Sandra Joan Kamensky did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Sandra Joan Kamensky was short on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Sandra Joan Kamensky neither nor denies admits the allegations stated in the Notice of Opportunity for Hearing letter dated February 8, 2010; further, 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, Sandra Joan Kamensky



This Settlement Agreement is entered into by and between Laura Elaner Stewart 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.

Laura Elaner Stewart voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Laura Elaner Stewart acknowledges that by entering into this Agreement she has waived her 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, Laura Elaner Stewart is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 8, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Laura Elaner Stewart was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Laura Elaner Stewart accepted this offer for settlement rather than a hearing. The February 8, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Laura Elaner Stewart was originally licensed in the State of Ohio on March 20, 1961, pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Laura Elaner Stewart did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Laura Elaner Stewart was short on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Laura Elaner Stewart neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 8, 2010; 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, Laura Elaner Stewart knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Laura Elaner Stewart herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Laura Elaner Stewart will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement else Laura Elaner Stewart's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Laura Elaner Stewart 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 the Agreement and 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.

Laura Elaner Stewart 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. 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.

Laura Elaner Stewart 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. Laura Elaner Stewart waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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/ Laura Elaner Stewart, R.Ph.

Date Signed: 02/21/10

*Respondent*

/s/ Elizabeth I. Gregg

Date Signed: 03/08/10

*President; Ohio State Board of Pharmacy*

/s/ Tracy Marie Greuel

Date Signed: 03/04/10

*Ohio Assistant Attorney General*

**R-2010-154**

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**

Docket Number D-100205-041

*in the matter of:*

**ANGELA EICKHOLT, R.Ph.**

1300 Grothouse Lane  
Delphos, Ohio 45833

R.Ph. Number 03-3-25891

This Settlement Agreement is entered into by and between Angela Eickholt 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.

Angela Eickholt voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Angela Eickholt acknowledges that by entering into this Agreement she has waived her 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, Angela Eickholt is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 4, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Angela Eickholt was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Angela Eickholt accepted this offer for settlement rather than a hearing. The February 4, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Angela Eickholt was originally licensed in the State of Ohio on July 16, 2003, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Angela Eickholt did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Angela Eickholt was short 0.1 Continuing Education Unit (C.E.U.) on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code

Angela Eickholt neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 4, 2010; 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, Angela Eickholt knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Angela Eickholt herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Angela Eickholt will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Angela Eickholt's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Angela Eickholt 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 the Agreement and 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.

Angela Eickholt 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. 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.

Angela Eickholt 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.

Angela Eickholt waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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/ Angela Eickholt, R.Ph. Date Signed: 02/22/10

*Respondent*

/s/ Elizabeth I. Gregg Date Signed: 03/08/10

*President; Ohio State Board of Pharmacy*

/s/ Tracy Marie Greuel Date Signed: 03/04/10

*Ohio Assistant Attorney General*

**R-2010-155**

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**

Docket Number D-100208-054

*in the matter of:*

**GARY A. BROWN, R.Ph.**

6879 Preble County Line Road  
Brookville, Ohio 45309

R.Ph. Number 03-3-10530

This Settlement Agreement is entered into by and between Gary A. Brown 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.

Gary A. Brown 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. Gary A. Brown 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, Gary A. Brown is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 8, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Gary A. Brown 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. Gary A. Brown accepted this offer for settlement rather

than a hearing. The February 8, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Gary A. Brown was originally licensed in the State of Ohio on July 30, 1973, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Gary A. Brown did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Gary A. Brown was short on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Gary A. Brown neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 8, 2010; 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, Gary A. Brown knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Gary A. Brown herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Gary A. Brown will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Gary A. Brown's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Gary A. Brown 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 the Agreement and 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.

Gary A. Brown 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.

Gary A. Brown 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. Gary A. Brown waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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/ Gary A. Brown, R.Ph.

Date Signed: 02/24/10

*Respondent*

/s/ Elizabeth I. Gregg

Date Signed: 03/08/10

*President; Ohio State Board of Pharmacy*

/s/ Tracy Marie Greuel

Date Signed: 03/04/10

*Ohio Assistant Attorney General*

**R-2010-156**

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**

Docket Number D-100212-068

*in the matter of:*

**SCOTT LEE EDWARDS, R.Ph.**

4346 May Drive

Maumee, Ohio 43537

R.Ph. Number 03-3-16991

This Settlement Agreement is entered into by and between Scott Lee Edwards 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.

Scott Lee Edwards 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. Scott Lee Edwards 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, Scott Lee Edwards is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 12, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Scott Lee Edwards 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. Scott Lee Edwards accepted this offer for settlement rather than a hearing. The February 12, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Scott Lee Edwards originally licensed in the State of Ohio on February 26, 1988, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Scott Lee Edwards did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Scott Lee Edwards was short eight and one half continuing education hours (0.85 CEUs) on board

approved continuing education. Such conduct is in violation of Rule 4729-7-02 of the Ohio.

Scott Lee Edwards neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 12, 2010; 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, Scott Lee Edwards knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Scott Lee Edwards agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks 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, Room 1702, Columbus, Ohio 43215-6126.
- (B) Scott Lee Edwards will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Scott Lee Edwards' license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Scott Lee Edwards 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 the Agreement and 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.

Scott Lee Edwards 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.

Scott Lee Edwards 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. Scott Lee Edwards waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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/ Scott Lee Edwards, R.Ph. Date Signed: 02/17/10  
*Respondent*

/s/ Elizabeth I. Gregg Date Signed: 03/08/10  
*President; Ohio State Board of Pharmacy*

/s/ Tracy Marie Greuel Date Signed: 03/04/10  
*Ohio Assistant Attorney General*

**R-2010-157****SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**

Docket Number D-100212-067

*in the matter of:***SUSAN M. KORTYNA, R.Ph.**5046 Alger  
Richfield, OH 55286

R.Ph. Number 03-3-14545

This Settlement Agreement is entered into by and between Susan M. Kortyna 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.

Susan M. Kortyna voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Susan M. Kortyna acknowledges that by entering into this agreement she has waived her 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, Susan M. Kortyna is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 12, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Susan M. Kortyna was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Susan M. Kortyna accepted this offer for settlement rather than a hearing. The February 12, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Susan M. Kortyna was originally licensed in the State of Ohio on March 5, 1982, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Susan M. Kortyna did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Susan M. Kortyna was short six continuing education hours (0.6 CEUs) on board approved continuing

education. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Susan M. Kortyna neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 12, 2010; 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, Susan M. Kortyna knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Susan M. Kortyna agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks 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, Room 1702, Columbus, Ohio 43215-6126.
- (B) Susan M. Kortyna will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Susan M. Kortyna's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Susan M. Kortyna 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 the Agreement and 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.

Susan M. Kortyna 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. 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.

Susan M. Kortyna 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. Susan M. Kortyna waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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/ Susan M. Kortyna, R.Ph.

Date Signed: 02/24/10

*Respondent*

/s/ Elizabeth I. Gregg

Date Signed: 03/08/10

*President; Ohio State Board of Pharmacy*

/s/ Tracy Marie Greuel

Date Signed: 03/04/10

*Ohio Assistant Attorney General*

**R-2010-158**

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**

Docket Number D-100205-043

*in the matter of:*

**RENEE JERRI GADSDEN, R.Ph.**

4924 Foxwynde Trail

Richmond Heights, Ohio 44143

R.Ph. Number 03-3-23989

This Settlement Agreement is entered into by and between Renee Jerri Gadsden 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.

Renee Jerri Gadsden voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Renee Jerri Gadsden acknowledges that by entering into this Agreement she has waived her 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, Renee Jerri Gadsden is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 4, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Renee Jerri Gadsden was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Renee Jerri Gadsden accepted this offer for settlement rather than a hearing. The February 4, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Renee Jerri Gadsden originally licensed in the State of Ohio on March 20, 2000, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Renee Jerri Gadsden did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Renee Jerri Gadsden was short 0.1 Continuing Education Unit (C.E.U.) on board approved Jurisprudence.

Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Renee Jerri Gadsden neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 4, 2010; 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, Renee Gadsden knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Renee Jerri Gadsden herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Renee Jerri Gadsden will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Renee Jerri Gadsden's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Renee Jerri Gadsden 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 the Agreement and 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.

Renee Jerri Gadsden 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. 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.

Renee Jerri Gadsden 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. Renee Jerri Gadsden waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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/ Renee Jerri Gadsden, R.Ph.

Date Signed: 03/02/10

*Respondent*

/s/ Elizabeth I. Gregg

Date Signed: 03/08/10

*President; Ohio State Board of Pharmacy*

/s/ Tracy Marie Greuel

Date Signed: 03/04/10

*Ohio Assistant Attorney General*

**R-2010-159****SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**

Docket Number D-100208-053

*in the matter of:***THOMAS JOHN FORTUNATO, R.Ph.**667 Chatsworth Court  
Powell, Ohio 43065

R.Ph. Number 03-3-15811

This Settlement Agreement is entered into by and between Thomas John Fortunato 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.

Thomas John Fortunato 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. Thomas John Fortunato 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, Thomas John Fortunato is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 8, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Thomas John Fortunato 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. Thomas John Fortunato accepted this offer for settlement rather than a hearing. The February 8, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Thomas John Fortunato was originally licensed in the State of Ohio on March 1, 1985, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Thomas John Fortunato did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Thomas John Fortunato was short on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Thomas John Fortunato neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 8, 2010; 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, Thomas John Fortunato



This Settlement Agreement is entered into by and between Christina G. Mosca 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.

Christina G. Mosca voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Christina G. Mosca acknowledges that by entering into this Agreement she has waived her 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, Christina G. Mosca is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 12, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Christina G. Mosca was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Christina G. Mosca accepted this offer for settlement rather than a hearing. The February 12, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Christina G. Mosca was originally licensed in the State of Ohio on September 1, 1981, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Christina G. Mosca did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Christina G. Mosca was short on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Christina G. Mosca neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 12, 2010; 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, Christina G. Mosca knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Christina G. Mosca agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks 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, Room 1702, Columbus, Ohio 43215-6126.

(B) Christina G. Mosca will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Christina G. Mosca's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Christina G. Mosca 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 the Agreement and 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.

Christina G. Mosca 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. 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.

Christina G. Mosca 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. Christina G. Mosca waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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/ Christina G. Mosca, R.Ph. Date Signed: 02/26/10

*Respondent*

/s/ Elizabeth I. Gregg Date Signed: 03/08/10

*President; Ohio State Board of Pharmacy*

/s/ Tracy Marie Greuel Date Signed: 03/04/10

*Ohio Assistant Attorney General*

**R-2010-161**

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**

Docket Number D-100212-063

*in the matter of:*

**JEANETTE MARIE MURPHY, R.Ph.**

815 W. Benton Street  
Wapakoneta, OH 45895

R.Ph. Number 03-3-14615

This Settlement Agreement is entered into by and between Jeanette Marie Murphy 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.

Jeanette Marie Murphy voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including

the right to representation by counsel, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Jeanette Marie Murphy acknowledges that by entering into this agreement she has waived her 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, Jeanette Marie Murphy is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 12, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Jeanette Marie Murphy was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Jeanette Marie Murphy accepted this offer for settlement rather than a hearing. The February 12, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Jeanette Marie Murphy was originally licensed in the State of Ohio on April 26, 1982, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Jeanette Marie Murphy did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Jeanette Marie Murphy was short Continuing Education Units (C.E.U.s) on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code

Jeanette Marie Murphy neither admits or denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 12, 2010; 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, Jeanette Marie Murphy knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Jeanette Marie Murphy agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks 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, Room 1702, Columbus, Ohio 43215-6126.
- (B) Jeanette Marie Murphy will submit additional documentation to show compliance with continuing education requirements within 30 days from the effective date of this Agreement, else Jeanette Marie Murphy's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Jeanette Marie Murphy 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 the Agreement and 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.

Jeanette Marie Murphy 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. 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.

Jeanette Marie Murphy 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. Jeanette Marie Murphy waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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/ Jeanette Marie Murphy, R.Ph. Date Signed: 02/26/10

*Respondent*

/s/ Elizabeth I. Gregg Date Signed: 03/08/10

*President; Ohio State Board of Pharmacy*

/s/ Tracy Marie Greuel Date Signed: 03/04/10

*Ohio Assistant Attorney General*

**R-2010-162**

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**

Docket Number D-090806-008

*in the matter of:*

**J. TODD KATA, R.Ph.**

3310 Bell Wick Road  
Hubbard, Ohio 44425

R.Ph. Number 03-1-17211

This Settlement Agreement is entered into by and between J. Todd Kata 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.

J. Todd Kata 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. J. Todd Kata 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, J. Todd Kata is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about August 6, 2009, pursuant to Chapter 119. of the Ohio Revised Code, J. Todd Kata 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. J. Todd Kata requested a hearing; it was scheduled and continued. The August 9, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that J. Todd Kata was originally licensed in the State of Ohio on July 29, 1988, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) J. Todd Kata did, on or about September 19, 2008, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though J. Todd Kata did not renew his license to practice pharmacy, J. Todd Kata dispensed RX #C561729 for lorazepam 1 mg and J. Todd Kata performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (3) J. Todd Kata did, on or about October 3, 2008, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though J. Todd Kata did not renew his license to practice pharmacy, J. Todd Kata dispensed RX #C562291 for promethazine with codeine and J. Todd Kata performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (4) J. Todd Kata did, on or about November 7, 2008, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though J. Todd Kata did not renew his license to practice pharmacy, J. Todd Kata dispensed RX #C564054 for hydrocodone/APAP 5/500 mg and J. Todd Kata performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (5) J. Todd Kata did, on or about December 5, 2008, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though J. Todd Kata did not renew his license to practice pharmacy, J. Todd Kata dispensed RX #C565255 for lorazepam 0.5 mg and J. Todd Kata performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (6) J. Todd Kata did, on or about January 2, 2009, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though J. Todd Kata did not renew his license to practice pharmacy, J. Todd Kata dispensed RX

#C566422 for alprazolam 1 mg and J. Todd Kata performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

- (7) J. Todd Kata did, on or about February 2, 2009, when not a registered pharmacist or pharmacy intern, dispense or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: though J. Todd Kata did not renew his license to practice pharmacy, J. Todd Kata dispensed RX #C567870 for alprazolam 1 mg and J. Todd Kata performed other pharmacy practice tasks. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

J. Todd Kata neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 6, 2009; 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, J. Todd Kata knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) J. Todd Kata agrees to the imposition of a monetary penalty of one thousand and five hundred dollars (\$1,500.00) due and owing within thirty days from the effective date of this Agreement. Checks 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, Room 1702, Columbus, Ohio 43215-6126.

J. Todd Kata 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.

J. Todd Kata 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. J. Todd Kata waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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/ J. Todd Kata, R.Ph.

Date Signed: 02/22/10

*Respondent*

/s/ Elizabeth I. Gregg

Date Signed: 03/08/10

*President; Ohio State Board of Pharmacy*

/s/ Tracy Marie Greuel

Date Signed: 03/04/10

*Ohio Assistant Attorney General*

**R-2010-163****SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**

Docket Number D-091210-031

*in the matter of:***TROY A. GAHM, R.Ph.**

4 Daniel Drive

Lucasville, Ohio 45648

R.Ph. Number 03-2-19421

This Settlement Agreement is entered into by and between Troy A. Gahm 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.

Troy A. Gahm 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. Troy A. Gahm 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, Troy A. Gahm is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about December 10, 2009, pursuant to Chapter 119. of the Ohio Revised Code, Troy A. Gahm 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. Troy A. Gahm requested a hearing; it was scheduled and continued. The December 10, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Troy A. Gahm was originally licensed in the State of Ohio on July 30, 1992, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Troy A. Gahm did, on or about August 7, 2009, misbrand a drug, to wit: when Troy A. Gahm received a prescription for 120 doses of oxcarbazepine 600 mg, RX #500791, he dispensed 100 doses of oxcarbazepine 600 mg and 20 doses of oxcarbazepine 300 mg intermixed, which had not been specifically prescribed by the physician. The patient subsequently was harmed. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

Troy A. Gahm neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated December 10, 2009; 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, Troy A. Gahm knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Troy A. Gahm agrees to the imposition of a monetary penalty of Two Hundred and Fifty Dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed forms to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320.
- (B) In addition, Troy A. Gahm must obtain, within one year from the effective date of this Agreement, five hours of approved continuing pharmacy education (0.5 CEUs) in medication error prevention, which may not also be used for license renewal.

Troy A. Gahm 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.

Troy A. Gahm 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. Troy A. Gahm waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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/ Troy A. Gahm, R.Ph. Date Signed: 02/11/10

*Respondent*

/s/ Elizabeth I. Gregg Date Signed: 03/08/10

*President; Ohio State Board of Pharmacy*

/s/ Tracy Marie Greuel Date Signed: 03/04/10

*Ohio Assistant Attorney General*

**R-2010-164**

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**

Docket Number D-091210-034

*in the matter of:*

**JAMIE LYNN FITCH, R.Ph.**

1125 St. Gregory Street, Unit 202  
Cincinnati, Ohio 45202

R.Ph. Number 03-1-27151

This Settlement Agreement is entered into by and between Jamie Lynn Fitch 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.

Jamie Lynn Fitch voluntarily enters into this Agreement being fully informed of her rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel, the right to a formal adjudication hearing on

the issues contained herein, and the right to appeal. Jamie Lynn Fitch acknowledges that by entering into this agreement she has waived her 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, Jamie Lynn Fitch is licensed to practice pharmacy in the State of Ohio. Whereas, on or about December 10, 2009, pursuant to Chapter 119. of the Ohio Revised Code, Jamie Lynn Fitch was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Jamie Lynn Fitch requested a hearing; it was scheduled and continued. The December 10, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Jamie Lynn Fitch was originally licensed in the State of Ohio on July 5, 2006, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Jamie Lynn Fitch did, on or about May 13, 2009, misbrand a drug, to wit: when Jamie Lynn Fitch received a prescription for amitriptyline 5 mg/0.1 ml, RX #2656782-07435, Jamie Lynn Fitch dispensed amitriptyline 0.5 mg/0.1 ml, which had not been specifically prescribed by the physician. The patient, a cat suffering from trauma which had caused a mental condition, was subsequently harmed and harmed other cats as a result. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

Jamie Lynn Fitch neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated December 10, 2009; 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, Jamie Lynn Fitch knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Jamie Lynn Fitch agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed forms to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 432666-0320.
- (B) In addition, Jamie Lynn Fitch must obtain, within one year from the effective date of this Agreement, 14.5 hours of approved continuing pharmacy education on preventing medication errors (1.45 CEUs), which may not also be used for license renewal.

Jamie Lynn Fitch 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. 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.

Jamie Lynn Fitch 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. Jamie Lynn Fitch waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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/ Jamie Lynn Fitch, R.Ph. Date Signed: 02/18/10

*Respondent*

/s/ Robert C. Buchbinder Date Signed: 02/23/10

*Attorney for Respondent*

/s/ Elizabeth I. Gregg Date Signed: 03/08/10

*President; Ohio State Board of Pharmacy*

/s/ Tracy Marie Greuel Date Signed: 03/04/10

*Ohio Assistant Attorney General*

10:12 a.m. Ms. Lange 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. Gahm and a roll-call vote was conducted by President Gregg as follows: Cain – *yes*; Casar – *yes*; Gahm – *yes*; Joyce – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

10:54 a.m. The Executive Session ended and the meeting was opened to the public.

The Board recessed briefly.

11:11 a.m. The meeting resumed.

**R-2010-165** Mr. Gahm moved that the Board issue a Cease and Desist letter to **Pet Vet Vaccination Clinics**, Wauchula, FL due to the fact that they are an unlicensed facility shipping dangerous drugs to clients in Ohio. Ms. Lange seconded the motion and it was approved by the Board: *Aye – 7*.

**R-2010-166** Mr. Joyce moved that the settlement offer in the matter of **William Meissner**, R.Ph. (03-3-09118) Cincinnati, Ohio, be accepted. The motion was seconded by Mr. Wiesenhahn and approved by the Board: *Aye – 7*.

**R-2010-167** The Board considered a settlement offer in the matter **Leo Igwebuike**, R.Ph. (03-3-18630) Pickerington, Ohio. After discussion, Mr. Casar moved that the Board deny the offer. The motion was seconded by Mr. Cain and approved by the Board: *Aye – 7*.

After discussion, the Board members agreed that Mr. Wiesenhahn would represent the Board at the Ohio State University College of Pharmacy White Coat ceremony on May 22, 2010.

**R-2010-168** 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:

**Riverfront Pharmacy**, Cincinnati, Ohio

(02-0030950)

**Springfield Regional Medical Center**, Springfield, Ohio

(02-1780800)

**Mercy Memorial Hospital**, Urbana, Ohio

(02-0930650)

**Jewish Hospitals of Cincinnati**, Cincinnati, Ohio

(02-1047300)

After discussion, Mr. Gahm 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 Mr. Casar and approved by the Board: *Aye* – 7.

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

**Home Care Solutions**, Maitland, FL

(02-1331800)

**Ohio physician offices** (for IV Antibiotics only)

(various)

After discussion, the request was tabled to allow Board staff to obtain further information.

**R-2010-169**

A request to be registered as a Continuing Pharmacy Education provider was received from Craig Kimble, R.Ph. on behalf of **Fruth Pharmacy Corporation**. After discussion, Mr. Gahm moved that the request be approved. Ms. Pasquale seconded the motion and it was approved by the Board: *Aye* – 7.

The Board next considered a request from the Ohio Pharmacists Association to add Rabies Vaccine to the list of immunizations that are approved for pharmacists to administer. After discussion, a decision on the matter was postponed until the April meeting to allow OPA and Board staff to research the matter further.

Ms. Lange and Mr. Keeley discussed their Technician Exam Status Report with the Board.

Mr. Keeley presented his Legislative Report.

12:30 p.m. The Board recessed for lunch.

1:39 p.m. The meeting resumed with the following members present:

Elizabeth I. Gregg, R.Ph., *President*; Heather L. Pasquale, R.Ph., *Vice-President*; Edward T. Cain, Public Member; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenbahn, R.Ph.

1:40 p.m. Ms. Lange 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. Gahm and a roll-call vote was conducted by President Gregg as follows: Cain – *yes*; Casar – *yes*; Gahm – *yes*; Joyce – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenbahn – *yes*.

1:51 p.m. The Executive Session ended and the meeting was opened to the public.

**R-2010-170**

Mr. Gahm moved that the settlement offer in the matter of **Eloise Norwood**, R.Ph. (03-1-14972) Toledo, Ohio, be denied. The motion was seconded by Ms. Lange and approved by the Board: *Aye* – 7.

**R-2010-171**

Mr. Casar moved that the Board summarily suspend the license to practice as a pharmacist belonging to **Melissa Tumino**, R.Ph. (03-3-21818) Berea, Ohio, pursuant to Ohio Revised Code 3719.121(A). Mr. Gahm seconded the motion and it was approved by the Board: *Aye* – 7.

1:55 p.m.                      The Board was joined by Assistant Attorney General Tracy Greuel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Charles Hodapp**, R.Ph. (03-3-26992), Sydney, Ohio.

2:08 p.m.                      Mr. Joyce 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. Lange and a roll-call vote was conducted by President Gregg as follows: Cain – *yes*; Casar - *yes*; Gahm – *yes*; Joyce – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

2:20 p.m.                      The Executive Session ended and the meeting was opened to the public.

**R-2010-172**                      Mr. Joyce moved that the Board find that Mr. Hodapp is not prepared to present evidence of compliance with the requirements of his previous Board order and therefore the Board denies his application for reinstatement at this time. The motion was seconded by Mr. Gahm and approved by the Board: *Aye* – 7.

2:22 p.m.                      The record in the matter of **Charles Hodapp**, R.Ph. was closed.

Ms. Lange said there was no meeting of the Medical Board's Physician Assistant Policy Committee in February or March.

There was no report on the Nursing Board's Committee on Prescriptive Governance.

There was no report on the Medical Board's Prescribing Committee.

**R-2010-173**                      After discussion, Mr. Wiesenhahn moved that the Board minutes of February 8-9, 2010, be approved as amended. Mr. Cain seconded the motion and it was approved by the Board: *Aye* – 7.

2:43 p.m.                      The Board recessed for the day.

### **Tuesday, March 9, 2010**

9:05 a.m.                      The Ohio State Board of Pharmacy convened in Room East B, 31<sup>st</sup> Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Elizabeth I. Gregg, R.Ph., *President*; Heather L. Pasquale, R.Ph., *Vice-President*; Edward T. Cain, Public Member; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

9:11 a.m.                      The Board was joined by Assistant Attorney General Tracy Greuel to conduct an adjudication hearing in accordance with Ohio Revised Code Chapters 119. and 4729. in the matter of **Steven Christopher Green**, R.Ph. (03-3-20041), Middletown, Ohio.

9:54 a.m.                      Mr. Joyce 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. Lange and a roll – call vote was conducted by President Gregg as follows: Cain – *yes*; Casar - *yes*; Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

10:05 a.m.                      The Executive Session ended and the hearing resumed.

Mr. Casar moved that the hearing be continued to a later date. The motion was seconded by Mr. Cain and approved by the Board: *Aye* – 8.

10:08 a.m.                      The hearing record was closed.

10:11 a.m.                      Mr. Gahm 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 Gregg as follows: Cain – *yes*; Casar - *yes*; Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenbahn – *yes*.

10:36 a.m.                      The Executive Session ended and the meeting was opened to the public.

**R-2010-174**                      Ms. Pasquale moved that the settlement offers received in the matters of Connie Campbell, R.Ph., Amy Froman, R.Ph., and Scott Vinci, R.Ph. be denied. The motion was seconded by Mr. Kolezynski and approved by the Board: *Aye* – 8.

**R-2010-175**                      Mr. Casar then moved that the settlement- offer received in the matter of Raymond P. Denuit, R.Ph. be denied. The motion was seconded by Mr. Joyce and approved by the Board: *Aye* – 8.

10:45 a.m.                      The Board was joined by Assistant Attorney General Tracy Greuel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **John Theodore Rohal**, R.Ph. (03-3-13391) Broadview Heights, Ohio. Mr. Kolezynski recused himself from the hearing.

12:20 p.m.                      The hearing was recessed for lunch.

1:30 p.m.  
**R-2010-176**                      The following candidates for licensure by reciprocity met with Mr. Parker, Licensing Administrator, and Mr. Kolezynski, Board Member, in Room South A, 31<sup>st</sup> Floor of the Vern Riffe Center. The candidates introduced themselves and then participated in a discussion of pharmacy laws and rules.

- |                             |                      |
|-----------------------------|----------------------|
| Joseph A. Berndsen          | <i>New Hampshire</i> |
| Ardan Chan                  | <i>Georgia</i>       |
| Mary Petrea Cober           | <i>Pennsylvania</i>  |
| Cheridy Diamondstone        | <i>Tennessee</i>     |
| Michael Aaron Diamondstone  | <i>Tennessee</i>     |
| William Joseph Henwood      | <i>Pennsylvania</i>  |
| Doreen Marie Hinsz          | <i>Alaska</i>        |
| Jeanne Marie Leoni          | <i>Illinois</i>      |
| Eric Lloyd                  | <i>West Virginia</i> |
| Cynthia Lynn Posey          | <i>Indiana</i>       |
| Ryan Anthony Powell         | <i>Pennsylvania</i>  |
| Eva Sanjines                | <i>Washington</i>    |
| Nicole Marie Smith          | <i>Indiana</i>       |
| Jenelle Sobotka             | <i>Iowa</i>          |
| Radhika Uppalapati          | <i>Connecticut</i>   |
| Kathryn Suzanne Byram Weber | <i>Indiana</i>       |

1:30 p.m.                      The hearing in the matter of **John Theodore Rohal**, R.Ph.resumed.

2:24 p.m.                      The hearing ended and the record was closed.

2:25 p.m.                      Mr. Joyce 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. Gahm and a roll – call vote was conducted by

President Gregg as follows: Cain – *yes*; Casar - *yes*; Gahm – *yes*; Joyce – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

2:35 a.m. The Executive Session ended and the meeting was opened to the public.

**R-2010-177** After votes were taken in public session, the Board adopted the following order in the matter of **John Theodore Rohal**, R.Ph., Broadview Heights, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-091207-029

*in the matter of:*

**JOHN THEODORE ROHAL, R.Ph.**

3675 Elmbrook Drive  
Broadview Heights, Ohio 44147

R.Ph. Number 03-3-13391

**INTRODUCTION**

The matter of John Theodore Rohal came for hearing on March 9, 2010, before the following members of the Board: Elizabeth I. Gregg, R.Ph. (*presiding*); Edward T. Cain, Public Member; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Deborah A. Lange, R.Ph.; Heather L. Pasquale, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

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

John Theodore Rohal was represented by Daniel D. Connor. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

**State's Witnesses:** Lynn Mudra, Ohio State Board of Pharmacy  
John Theodore Rohal, R.Ph., Respondent

**Respondent's Witnesses:** John Theodore Rohal, R.Ph., Respondent

**State's Exhibits:**

1. Copy of Summary Suspension Order/Notice of Opportunity for Hearing letter [12-07-09]  
1A-1E. Procedurals
2. Notarized statement of John Rohal, R.Ph. [11-16-09]
3. Notarized statement of Mercedes Lira [12-02-09]
4. Two Drug Accountability Statements at CVS #3817 for hydrocodone & homatropine 5/1.5 mg [03-01-10]; Tussionex Pennkinetic suspension 10/5 ml [03-01-10]

**Respondent's Exhibits:**

- A. PRO Pharmacist's Recovery Contract for John Rohal [01-13-10]
- B. Glenbeigh IOP Chart for John T. Rohal [11-20-09 to 01-05-10]
- C. Outpatient treatment letter to Attorney Daniel D. Connor from Kristin Gillombardo, M.Ed., PC in re John Rohal [02-17-10]
- D. Glenbeigh Certificate of Completion awarded to John Rohal [01-05-10]
- E. Glenbeigh aftercare chart for John Rohal [02-02-10 and 03-02-10]

- F. Meeting attendance records [11-22-09 to 01-03-10]
- G. Meeting attendance records [01-09-10 to 03-03-10]
- H. Glenbeigh urine screens and breath tests [11-20-09 to 01-05-10]
- I. FirstLab Test History Report [02-23-10 and 02-25-10]; Drug Screen Panel [Updated 10-11-06]
- J. Continuing pharmacy education credits [11-23-09 to 02-03-10]
- K. Curriculum Vitae of John Rohal [not dated]
- L. Nine letters of support [02-10-10 to 03-04-10]

### FINDINGS OF FACT

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

- (1) Records of the Board of Pharmacy indicate that John Theodore Rohal was originally licensed in the State of Ohio on August 8, 1979, pursuant to examination, and his license to practice pharmacy in Ohio was summarily suspended on December 7, 2009.
- (2) John Theodore Rohal 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: John Theodore Rohal has admitted to stealing and consuming hydrocodone with homatropine syrup while practicing pharmacy; and John Theodore Rohal has admitted to being addicted to this controlled substance. John Theodore Rohal has been observed sleeping and being lethargic on duty. Such conduct indicates that John Theodore Rohal is within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) John Theodore Rohal did, 
- (4) John Theodore Rohal did, 
- (5) John Theodore Rohal did, 

### CONCLUSIONS OF LAW

- (1) The State Board of Pharmacy concludes that paragraphs (3) through (5) of the Findings of Fact constitute being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that paragraphs (3) through (5) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render 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 John Theodore Rohal on December 7, 2009.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-3-13391, held by John Theodore Rohal and such suspension is effective as of the date of the mailing of this Order.

- (A) John Theodore Rohal, 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) John Theodore Rohal, 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 one year from the effective date of this Order, the Board will consider any petition filed by John Theodore Rohal 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) Restitution to CVS Pharmacy;
- (B) John Theodore Rohal must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:

- (1) Random, observed urine drug screens shall be conducted at least once each month.
    - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
    - (b) Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
  - (2) Attendance is required a minimum of three times per calendar week (Sunday through Saturday), at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
  - (3) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (C) John Theodore Rohal must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
- (D) John Theodore Rohal must provide, at the reinstatement petition hearing, documentation of the following:
- (1) Compliance with the contract required above (e.g. proof of giving the sample within twelve hours of notification and copies of all drug and alcohol screen reports, meeting attendance records, treatment program reports, etc.);
  - (2) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
  - (3) Compliance with the terms of this Order.
- (E) If reinstatement is not accomplished within three years of the effective date of this Order, John Theodore Rohal must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination approved by the Board.

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

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

Deborah Lange moved for Action of the Board; Jerome Wiesenbahn seconded the motion. Motion passed (Aye-7/Nay-0).

2:38 p.m. The Board recessed briefly.

2:46 p.m. The meeting resumed. Mr. Gahm moved that the Board go into Executive Session for the purpose of the investigation of complaints regarding personnel pursuant to Section 121.22(G)(1) of the Ohio

Revised Code. The motion was seconded by Mr. Casar and a roll – call vote was conducted by President Gregg as follows: Cain – *yes*; Casar - *yes*; Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

3:29 p.m. The Executive Session ended and the meeting was recessed for the day.

### **Wednesday, March 10, 2010**

9:00 a.m. The Ohio State Board of Pharmacy convened in Room East B, 31<sup>st</sup> Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Elizabeth I. Gregg, R.Ph., *President*; Heather L. Pasquale, R.Ph., *Vice-President*; Edward T. Cain, Public Member; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

9:03 a.m. Mr. Gahm 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. Joyce and a roll-call vote was conducted by President Gregg as follows: Cain – *yes*; Casar - *yes*; Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

9:14 a.m. The Executive Session ended and the meeting was opened to the public.

**R-2010-178** Mr. Gahm moved that the Board deny the most recent settlement offered in the matter of Raymond P. Denuit unless Mr. Denuit accepts the changes proposed by the Board. Mr. Joyce seconded the motion and it was approved by the Board: *Aye* – 8.

9:20 a.m. The Board was joined by Assistant Attorney General Tracy Greuel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Jeffrey Paul Yannello**, R.Ph. Kingsville, MD.

11:35 a.m. The hearing ended and the record was closed.

11:35 a.m. Mr. Casar 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. Gahm and a roll – call vote was conducted by President Gregg as follows: Cain – *yes*; Casar - *yes*; Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

11:42 a.m. The Executive Session ended and the meeting was opened to the public.

**R-2010-179** After votes were taken in public session, the Board adopted the following order in the matter of **Jeffrey Paul Yannello**, R.Ph. Kingsville, Maryland.

#### **ORDER OF THE STATE BOARD OF PHARMACY**

Docket Number D-100129-039

*in the matter of:*

**JEFFREY PAUL YANNELLO, R.Ph.**

7020 Heathcoate Drive

Kingsville, Maryland 21087

### INTRODUCTION

The matter of Jeffrey Paul Yannello came for hearing on March 10, 2010, before the following members of the Board: Elizabeth I. Gregg, R.Ph. (*presiding*); Edward T. Cain, Public Member; Donald M. Casar, R.Ph.; Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; Heather L. Pasquale, R.Ph.; and Jerome J. Wiesenhahn, R.Ph.

Jeffrey Paul Yannello was not represented by counsel. The State of Ohio was represented by Tracy M. Greuel, Assistant Attorney General.

### SUMMARY OF EVIDENCE

State's Witnesses                      Robert Amiet, R.Ph., Ohio State Board of Pharmacy  
Jeffrey Paul Yannello, R.Ph., Respondent

Respondent's Witnesses:    None

#### State's Exhibits:

1. Copy of Proposal to Deny/Notice of Opportunity for Hearing letter [01-29-10] 1A-1B. Procedurals
2. National Association of Boards of Pharmacy Application for Transfer of Pharmacist License for Jeffrey Paul Yannello [04-09-09]
3. Criminal Complaint, United States of America v. Jeffrey Yannello, Case No. 00-460, U.S. District Court, Eastern District of Pennsylvania [08-10-00]
4. Guilty Plea Agreement, United States of America v. Jeffrey Yannello, Case No. 00-460, U.S. District Court, Eastern District of Pennsylvania [08-21-00]
5. Sentencing Proceeding Minute Sheet, United States of America vs. Jeffrey Yannello, Case No. 00-460, U.S. District Court, Eastern District of Pennsylvania [11-21-00]
6. Adjudication and Order; Pennsylvania State Board of Pharmacy in re Jeffrey P. Yannello, R.Ph. [10-19-01]
7. Final Adjudication and Order; Pennsylvania State Board of Pharmacy in re Jeffrey P. Yannello, R.Ph. [03-16-05]
8. Final Adjudication and Order; Pennsylvania State Board of Pharmacy in re Jeffrey P. Yannello, R.Ph. [09-25-09]
9. Arizona State Board of Pharmacy web license verification for Jeffrey Yannello [02-09-10]
10. Notice of Hearing, Findings of Facts, Conclusions of Law Before the Arizona State Board of Pharmacy In the Matter of: Jeffrey P. Yannello [01-10-02]
11. Washington State Department of Health Board of Pharmacy web verification for Jeffrey P. Yannello [02-09-10]
12. Washington Department of Health Board of Pharmacy Stipulated Findings of Fact; Conclusions of Law; and Agreed Order; in re Jeffrey P. Yannello [12-23-09]
13. Texas State Board of Pharmacy license web verification [02-09-10]
14. Maryland Board of Pharmacy license web verification [02-09-10]
15. Maryland Board of Pharmacy; Final Decision and Order; in the matter of Jeffrey Yannello, P.D. [02-15-07]

#### Respondent's Exhibits:

- A. Commonwealth of Pennsylvania Final Adjudication and Order in re Jeffrey Yannello, R.Ph. [09-25-09]
- B. Continuing Pharmacy Education Statement of Credit with print-out of questions [09-30-09]

- C. Maryland Board of Pharmacy license status computer screen print-out [03-09-10]

### **FINDINGS OF FACT**

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

- (1) Jeffrey Paul Yannello has been a registered pharmacist in the states of Pennsylvania, Texas, Maryland, Arizona, and Washington and on or about December 30, 2009, Jeffrey Paul Yannello applied for reciprocal registration into the State of Ohio.
- (2) Jeffrey Paul Yannello did, on or about August 21, 2000, plead guilty in the United States District Court, Eastern District of Pennsylvania, to violations of Title 21 U.S.C. Sections 331(b)(1)(B), 353(c)(1), and 331(t), felonies. Jeffrey Paul Yannello was sentenced to be incarcerated for a period of not less than eight months, of which four months shall be served in home confinement; two years supervised release. Jeffrey Paul Yannello was also given a special assessment of \$100; a fine of \$10,000; ordered to pay restitution in the amount of \$13,785.25; and Jeffrey Paul Yannello was required to pay the cost of home confinement. Such conviction is in violation of Section 4729.08 of the Ohio Revised Code and Rule 4729-5-04 of the Ohio Administrative Code.

### **CONCLUSIONS OF LAW**

- (1) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes having been convicted of a felony as provided in paragraph (A) of Rule 4729-5-04 of the Ohio Administrative Code.
- (2) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes having been convicted of violating any state or federal pharmacy or drug laws as provided in paragraph (B) of Rule 4729-5-04 of the Ohio Administrative Code.
- (3) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes having been found by the Board of Pharmacy not to be of good moral character and habits as provided in paragraph (C) of Rule 4729-5-04 of the Ohio Administrative Code and Section 4729.08 of the Ohio Revised Code.
- (4) The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes having been disciplined by any board of pharmacy as provided in paragraph (F) of Rule 4729-5-04 of the Ohio Administrative Code.

### **DECISION OF THE BOARD**

Pursuant to Sections 4729.09 and 4729.16 of the Ohio Revised Code and Rule 4729-5-04 of the Ohio Administrative Code, and on the basis of the foregoing Findings of Fact and Conclusions of Law, the State Board of Pharmacy hereby denies the issuance of a certificate of registration or an identification card to practice as a pharmacist in Ohio and, therefore, denies the Official Application for

Transfer of Pharmacist Licensure submitted by Jeffrey Paul Yannello on or about April 9, 2009.

Deborah Lange moved for Findings of Fact; Troy Gahm seconded the motion. Motion passed (Aye-8/Nay-0).

Troy Gahm moved for Conclusions of Law; Heather Pasquale seconded the motion. Motion passed (Aye-8/Nay-0).

Brian Joyce moved for Action of the Board; Donald Casar seconded the motion. Motion passed (Aye-8/Nay-0).

11:45 a.m. Mr. Gahm 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 Gregg as follows: Casar – *yes*; Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; Pasquale – *yes*; and Wiesenhahn – *yes*.

12:03 p.m. The Executive Session ended and the meeting was opened to the public.

12:03 p.m. Mr. Kolezynski moved that the Board receive Per Diem as follows:

PER DIEM	03/08	03/09	03/10	Total
Cain	1	1	1	3
Casar	1	1	1	3
Gahm	1	1	1	3
Gregg	1	1	1	3
Joyce	1	1	1	3
Kolezynski	-	1	1	2
Lange	1	1	1	3
Pasquale	1	1	1	3
Wiesenhahn	1	1	1	3

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

12:03 p.m. Mr. Wiesenhahn moved that the meeting be adjourned. The motion was seconded by Ms. Lange and approved by the Board: *Aye* – 8.

Date: \_\_\_\_\_

\_\_\_\_\_  
Elizabeth I. Gregg, R.Ph., President

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