

Minutes of the January 9-10, 2012
Meeting of the Ohio State Board of Pharmacy

Monday, January 9, 2012

1:00 p.m. The Ohio State Board of Pharmacy convened in Room South B and C, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Donald M. Casar, R.Ph., *President*; Brian M. Joyce, R.Ph., *Vice-President*; Troy A. Gahm, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; Kevin J. Mitchell, R.Ph.; and Michael A. Moné, R.Ph.

Also present were Kyle W. Parker, *Executive Director*; John Whittington, *Assistant Executive Director*; Mark Keeley, *Legislative Affairs Administrator*; Nancy L. Little, *Licensing Administrator*; Chris Reed, *Compliance Supervisor*; David Rowland, *Legal Affairs Administrator*; Danna Droz, *Prescription Drug Monitoring Program Director*; and Tracy Nave, *Assistant Attorney General*.

1:03 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 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 Casar as follows: Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; Mitchell – *yes*; Moné – *yes*.

2:20 p.m. The executive session ended and the meeting was opened to the public.

Mr. Casar said that the following Settlement Agreements have been signed and are now effective:

R-2012-219 SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-111019-218

in the matter of:

KROGER COMPANY N-216

c/o Kimberly A. McCluskey, R.Ph.

1014 Vine Street

Cincinnati, Ohio 45202

Terminal Distributor Number 02-0404900

This Settlement Agreement is entered into by and between Kroger Company N-216 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.

Kroger Company N-216 enters into this Agreement being fully informed of its 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. Kroger Company N-216 acknowledges that by entering into this Agreement it has waived its rights under Chapter 119. of the Revised Code.

WHEREAS, the State Board of Pharmacy is empowered by Section 4729.57 of the Ohio Revised Code to suspend, revoke, refuse to renew any license issued to a terminal distributor of dangerous drugs pursuant to section 4729.54 of the Revised Code, or may impose a monetary penalty on the license holder, for violation of any of the enumerated grounds of Section 4729.57 of the Ohio Revised Code.

WHEREAS, Kroger Company N-216 is a licensed terminal distributor of dangerous drugs in the State of Ohio.

WHEREAS, on or about October 19, 2011, pursuant to Chapter 119. of the Ohio Revised Code, Kroger Company N-216 was notified of the allegations or charges against it, its right to a hearing, its rights in such hearing, and its right to submit contentions in writing. Further, a hearing was scheduled and continued by the Board. The October 19, 2011, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the Board of Pharmacy indicate that Kroger Company N-216 is licensed with the State Board of Pharmacy as a Terminal Distributor of Dangerous Drugs. Records further reflect during the relevant time periods stated herein, Kimberly A. McCluskey was the Responsible Pharmacist

pursuant to Rule 4729-5-11 of the Ohio Administrative Code and Sections 4729.27 and 4729.55 of the Ohio Revised Code.

- (2) Kroger Company N-216 did, on or about September 20, 2010, cease to satisfy the qualifications of a terminal distributor of dangerous drugs within the meaning of Section 4729.55 of the Ohio Revised Code, to wit: the pharmacy did not have adequate safeguards assured that the pharmacy would carry on the business of a terminal distributor of dangerous drugs in a manner that allowed pharmacists and pharmacy interns employed by the terminal distributor to practice pharmacy in a safe and effective manner. Specifically, when the pharmacy received a prescription for amoxicillin capsules, it was properly changed and documented to amoxicillin suspension, RX #6848571. Yet, the pharmacy dispensed amoxicillin powder that had not been reconstituted, and the pharmacy's procedures were inadequate to ensure the safe and effective dispensing of this drug. The patient, a 5-month old child, subsequently was harmed. Such conduct indicates that the pharmacy ceased to satisfy the qualifications of a terminal distributor of dangerous drugs as set forth in Section 4729.55 of the Ohio Revised Code and proscribed by Section 4729.57 of the Ohio Revised Code.

Kroger Company N-216 neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated October 19, 2011; 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, Kroger Company N-216 knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Kroger Company N-216 agrees to the imposition of a monetary penalty of one thousand dollars (\$1,000.00) 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, Room 1702, Columbus, Ohio 43215-6126.

- (B) Kroger Company N-216 agrees to continue with the training programs as initiated and submitted to the Ohio State Board of Pharmacy in its letter dated December 2, 2011. These policies are incorporated into this Agreement as if fully rewritten herein.

Kroger Company N-216 acknowledges that it 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.

Kroger Company N-216 waives any and all claims or causes of action it 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. Kroger Company N-216 waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

This Agreement embodies the entire Agreement between and of the parties. There are no express or implied promises, guarantees, terms, covenants, conditions, or obligations other than those contained herein; and this Agreement supersedes all previous communications, representations or agreements, either verbal or written, between the parties.

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.

| | |
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| /s/ Kroger Company N-216 <i>c/o Kimberly A. McCluskey, R.Ph.</i> | 12/22/2011 |
| /s/ Mary Barley-McBride <i>Attorney for Respondent</i> | 12/22/2011 |
| /s/ Donald M. Casar <i>President; Ohio State Board of Pharmacy</i> | 01/09/2012 |
| /s/ Tracy Marie Nave <i>Ohio Assistant Attorney General</i> | 01/09/2012 |

R2012-220 SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number D-111019-216

*in the matter of:***WILLIAM M. ARING, R.Ph.**

2953 Gracewood

Toledo, Ohio 43613

R.Ph. Number 03-1-12306

This Settlement Agreement is entered into by and between William M. Aring 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.

William M. Aring 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. William M. Aring 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, limit, 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, William M. Aring is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about October 19, 2011, pursuant to Chapter 119. of the Ohio Revised Code, William M. Aring 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. William M. Aring requested a hearing; it was scheduled and continued. The October 19, 2011, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that William M. Aring was originally licensed in the State of Ohio on August 10, 1977, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) William M. Aring did, on or about September 15, 2010, misbrand a drug, to wit: when William M. Aring received a prescription for Phenobarbital 20 mg/5ml, RX #C35591, having directions for use as "6 ml by mouth twice daily," William M. Aring dispensed phenobarbital 20 mg/ml, which had not been specifically prescribed by the physician. As well, the label indicated the wrong physician's name. The patient subsequently was harmed. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.
- (3) William M. Aring did, on or about September 15, 2010, prior to dispensing RX #C35591, fail to review the patient profile in order to conduct prospective drug utilization review, to wit: William M. Aring failed to review the patient profile for over-utilization and incorrect drug dosage. Specifically, William M. Aring failed to notice that he dispensed the wrong concentration of the prescribed drug to a two-year old child. Such conduct is in violation of Rule 4729-5-20 of the Ohio Administrative Code.

William M. Aring neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated October 19, 2011; 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, William M. Aring knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) William M. Aring agrees to the imposition of a monetary penalty of five hundred dollars (\$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 forms to the State Board

of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

- (B) In addition, William M. Aring must obtain, within one year from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs) in medication errors, which may not also be used for license renewal.

William M. Aring 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.

William M. Aring 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. William M. Aring 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.

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| /s/ William M. Aring, R.Ph. <i>Respondent</i> | 12/12/2012 Date of Signature |
| /s/ Donald M. Casar <i>President; Ohio State Board of Pharmacy</i> | 01/09/2012 Date of Signature |
| /s/ Tracy Marie Nave <i>Ohio Assistant Attorney General</i> | 01/09/2012 Date of Signature |

R2012-221

After discussion, Mr. Moné moved that the settlement offer in the matter of **Thomas T. Mowbray**, R.Ph. (03-1-12260) Waynesville, Ohio, accepted. The motion was seconded by Mr. Gahm and approved by the Board: *Aye* – 6.

R2012-222 After discussion, Mr. Gahm moved that the settlement offer in the matter of **Jacqueline Kay Mallett**, R.Ph. (03-3-18735) Wakeman, Ohio, be accepted. The motion was seconded by Mr. Moné and approved by the Board: *Aye – 6*.

R2012-223 After discussion, Mr. Moné moved that the settlement offer in the matter of **GHA Pharmacy** (02-1526550) Cincinnati, Ohio, be accepted. The motion was seconded by Mr. Mitchell and accepted by the Board: *Aye – 5; Nay – 1*.

R2012-224 After discussion, Mr. Moné moved that the settlement offer in the matter of **Randy John Hammann**, R.Ph. (03-1-19044) Cincinnati, Ohio, be accepted. The motion was seconded by Mr. Mitchell and accepted by the Board: *Aye – 5; Nay – 1*.

R2012-225 After discussion, Mr. Moné moved that the settlement offer in the matter of **John Edward Reilly**, R.Ph. (03-3-14325) Cincinnati, Ohio, be approved. The motion was seconded by Mr. Mitchell and accepted by the Board: *Aye – 5; Nay – 1*.

The Board recessed briefly.

2:29 p.m. The Board, in discussion with Mr. Robert Braver, of **RX Remote Solutions** (Chicago, Illinois) reviewed its remote order entry system.

Mrs. Droz discussed the current OARRS overview with the Board.

Mr. Keeley presented the legislative report.

Mr. Gahm was appointed by Mr. Casar to the Nursing Board Committee on Prescriptive Governance for FY 2012, replacing Mr. Casar.

Ms. Lange said there was no report from Medical Board Physician Assistant Committee.

Ms. Little updated the Board on the Terminal Distributor of Dangerous Drugs renewal process.

Mr. Keeley gave the technician-examination report.

3:41 p.m. The Board recessed briefly.

3:51 p.m.

R2012-226 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:

Humana RightSourceRX, Cincinnati, Ohio (02-1972850)
Various Physicians' Letters on Request

After discussion, Mr. Moné 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. Joyce and approved by the Board:
Aye – 6.

R2012-227 The Board considered a request from **Buderer Drug**; Perrysburg & Sandusky (02-1106900) & (02-1198400) Ohio, for an exemption to Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station) received for the following site:

Toledo Clinic, Toledo, Ohio (02-0288200)

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. Joyce and approved by the Board:
Aye – 6.

R2012-228 The Board considered a request from **Custom Compounding Centers**, Los Alamitos, California, (02-1423950) for an exemption to Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station) received for the following sites:

Midwest Spine Interventionalists, Springboro, Ohio (pending)
Tarsem Garg MD, Springfield, Ohio
New Albany Pain Clinic, Dr. Khaled L. Amr, New Albany, Ohio (pending)

After discussion, Mr. Joyce 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. Gahm and approved by the Board:
Aye – 6.

R2012-229 The Board considered a request from **Adena Regional Medical Center**, Chillicothe, Ohio, (02-0041021) for an exemption to Ohio Administrative Code Rule 4729-5-10 (Prescription pick-up station) received for the following site:

Adena Regional Medical Center, Chillicothe, Ohio (02-004100)

After discussion, Mr. Moné 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. Gahm and approved by the Board: *Aye – 6.*

R2012-230 The Board considered a request for an exemption to Ohio Administrative Code Rule 4729-5-11 (Responsible Person) requesting that **Michael D. Pugh**, R.Ph., (03-3-16937) Chillicothe, Ohio, be permitted to be the responsible person for the following sites:

| | |
|--|--------------|
| Adena Cancer Center Pharmacy, Chillicothe, Ohio | (02-2178500) |
| Adena Regional Medical Center; | |
| Adena Cancer Center Pharmacy, Chillicothe, Ohio | (02-0041021) |

After discussion, Mr. Joyce moved that the Board approve the request for one year. The motion was seconded by Mr. Moné and approved by the Board: *Aye – 6.*

R2012-231 After discussion, Mr. Gahm moved that **Kathryn Wilson**, D.O., be permitted to withdraw her application for licensure as a pain-management clinic. The motion was seconded by Mr. Moné and approved by the Board: *Aye – 6.*

After discussion of a request from **Advanced Pain Management (Ashok R. Salvi, M.D. and Vivek K. Trivedi, M.D.)** to withdraw its application for licensure as a pain-management clinic, the Board agreed to table a decision on the request until the February, 2012 meeting.

Three electronic prescribing systems were inspected and found approvable by Board staff: **Easy RX Pad; Delta Care RX, and Aria EMR.**

R2012-232 A request to be registered as a Continuing Pharmacy Education provider was received from **Knox Community Hospital**, in conjunction with **Jean Turowski**, R.Ph. (03-2-15129) of Mount Vernon, Ohio. After discussion, Mr. Kolezynski moved that the request be approved. Mr. Joyce seconded the motion and it was approved by the Board: *Aye – 6.*

R2012-233 Mr. Parker presented a request from the **Health and Wellness Pharmacy**, TDDD license (02-2126300) Dublin, Ohio, and **Darrell LaJuane Bryant**, R.Ph. (03-3-25389) Hilliard, Ohio, for a six-month extension to allow another pharmacist to be trained as the responsible person. Mr. Joyce moved that the request be granted. Mr. Gahm seconded the motion and it was approved by the Board: *Aye – 6.*

January 2012 RECORD OF THE PROCEEDINGS FY 2012

4:29 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 Casar as follows: Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; Mitchell – *yes*; Moné – *yes*.

5:01 p.m. The executive session ended and the meeting was recessed for the day.

Tuesday, January 10, 2012

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

Donald M. Casar, R.Ph., *President*; Brian M. Joyce, R.Ph., *Vice-President*; Troy A. Gahm, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; Kevin J. Mitchell, R.Ph.; and Michael A. Moné, R.Ph.

R2012-234 Ms. Lange moved that the Board minutes of December 5-7, 2011, be approved as amended. The motion was seconded by Mr. Joyce and approved by the Board: *Aye* – 6.

R2012-235 After discussion, Mr. Joyce moved that the **RX Remote Solutions System** be found approvable pending final inspection. Mr. Kolezynski seconded the motion and it was approved by the Board: *Aye* – 6.

9:05 a.m. Mr. Parker introduced the former Director of the Pharmacists Rehabilitation Organization (PRO), **Michael Quigley**, R.Ph., who is retired. He then introduced his successor, **Jarrod Grossman**, Pharm D., R.Ph.

9:34 a.m. The Board recessed briefly.

9:41 a.m. **Bill Cover**, R.Ph., Corporate Manager, Walgreens Pharmacy Affairs, reviewed for the Board its **TransferSafe** initiative to ensure safe transfer of prescriptions and enumerated the information that would be required in the policy.

9:58 a.m.

R2012-236 After discussion, Mr. Moné moved that the **TransferSafe** program be approved for 90 days, ending April 1, 2012. Ms. Lange seconded the motion and it was found approvable by the Board, pending inspection: *Aye* – 5; (*recused* – Joyce).

The Board recessed briefly.

10:05 a.m. The Board was joined by Assistant Attorney General Tracy Nave to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Noah Lee Sharp**, R.Ph. (03-3-28869) Columbus, Ohio.

10:56 a.m. The adjudication hearing ended and the record was closed.

10:57 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. The motion was seconded by Mr. Gahm and a roll-call vote was conducted by President Casar as follows: Gahm – *yes*; Joyce – *yes*; Kolezynski – *yes*; Lange – *yes*; Mitchell – *yes*; Moné – *yes*.

11:12 a.m. The executive session ended and the meeting was opened to the public.

R2012-237 After votes were taken in public session, the Board adopted the following order in the matter of **Noah Lee Sharp**, R.Ph. (03-3-28869) Columbus, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

Docket Number D-110701-194

in the matter of:

NOAH LEE SHARP, R.Ph.

1053 Cliff Creek Drive

Columbus, Ohio 43228

R.Ph. Number 03-3-28869

INTRODUCTION

The matter of Noah Lee Sharp came for hearing on January 10, 2012, before the following members of the Board: Donald M. Casar, R.Ph. (*presiding*); Troy A. Gahm, R.Ph.; Brian M. Joyce, R.Ph.; Richard F. Kolezynski, R.Ph.; Deborah A. Lange, R.Ph.; Kevin J. Mitchell, R.Ph. and Michael A. Moné, R.Ph.

Edward T. Cain, Public Member; absent

Noah Lee Sharp was represented by Daniel D. Connor. The State of Ohio was represented by Tracy M. Nave, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witness: None

Respondent's Witnesses: Noah Lee Sharp, R.Ph., Respondent
Jarrod Grossman, R.Ph.

State's Exhibits:

1. Reinstatement hearing request letter [06-03-11]
1A-1D. Procedurals
2. State Board of Pharmacy Order in re Noah Lee Sharp, R.Ph.
[12-08-09]

Respondent's Exhibits:

- A. PRO Pharmacist's Recovery Contract for Noah Sharp [12-23-09]
- B. Test History Report [10-02-09 to 12-17-11]
- C. Chain of evidence form for July 8, 2011 screen [07-08-11]
- D. Support group meeting attendance records [11-02-09 to 01-09-12]
- E. Support group meeting attendance sheet [09-20-11 to 10-26-11]
- F. Support group meeting attendance calendars [July 2009 to January 2012]
- G. Key to location meetings [not dated]
- H. Letter from Todd B. Feasel, PCC-S, Program Director, Cornerstone of Recovery [10-17-11]; Letter from Todd B. Feasel, MA, PCC-S, Program Director, Cornerstone of Recovery [10-14-09]
- I. Continuing education credits and certificates [08-19-09 to 04-17-11]
- J. Letter from Jarrod Grossman, Pharm D, RPh, Executive Director, Pharmacist (sic) Rehabilitation Organization [12-22-11]
- K. Three letters of advocacy [10-18-11 to 11-06-11]

FINDING OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Noah Lee Sharp has substantially complied with the terms set forth in the Order of the State Board of Pharmacy, Docket Number D-090629-140, effective December 8, 2009.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, Number 03-3-28869, held by Noah Lee Sharp to practice pharmacy in Ohio subject to a period of probation for five years beginning on the effective date of this Order, with the following conditions:

- (A) Noah Lee Sharp must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) approved treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the signed contract to the Board office before his pharmacist identification card is issued. The contract must provide that:
- (1) **Random, observed** urine drug screens shall be conducted at least once each month for the first year and then at least once every three months for the remaining four years.
 - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Results of all drug screens must be negative. Refusal of a urine screen or a diluted urine screen is equivalent to a positive result. Any positive results,

including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.

- (2) The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
 - (3) Attendance is required a minimum of three times per calendar week (Sunday through Saturday), at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- (B) Noah Lee Sharp must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:
- (1) The written report and documentation provided by the treatment program pursuant to the contract, and
 - (2) A written description of Noah Lee Sharp's progress towards recovery and what Noah Lee Sharp has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) The State Board of Pharmacy hereby declares that Noah Lee Sharp's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.

- (2) Noah Lee Sharp may not serve as a responsible pharmacist.
 - (3) Noah Lee Sharp may not destroy, assist in, or witness the destruction of controlled substances.
 - (4) Noah Lee Sharp must abide by the contract with his treatment provider and must immediately report any violation of the contract to the Board.
 - (5) Noah Lee Sharp must not violate the drug laws of Ohio, any other state, or the federal government.
 - (6) Noah Lee Sharp must abide by the rules of the State Board of Pharmacy.
 - (7) Noah Lee Sharp must comply with the terms of this Order.
 - (8) Noah Lee Sharp's license is deemed not in good standing until successful completion of the probationary period.
- (D) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Noah Lee Sharp is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

Deborah A. Lange moved for Findings of Fact; Michael A. Moné seconded the motion. Motion passed (Aye-6/Nay-0).

Brian M. Joyce moved for Action of the Board; Kevin J. Mitchell seconded the motion. Motion passed (Aye-4/Nay-2).

11:15 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 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. Kolezynski and a roll-call vote was conducted by President Casar as follows: Gahm – *yes*; Joyce – *yes*; Kolezynski– *yes*; Lange – *yes*; Mitchell – *yes*; Moné – *yes*.

12:16 p.m. The executive session ended and the meeting was opened to the public.

The Board recessed briefly.

12:27 p.m. The Board recessed for lunch.

1:30 p.m. The following candidates for licensure by reciprocity met in Room South A, 31st Floor, of the Vern Riffe Center for Government and the Arts. They introduced themselves and participated in a discussion of pharmacy laws and rules with the Board and Ms. Little, Licensing Administrator.

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|---------------------------|-----------------------|
| Alfred Aleguas | <i>Rhode Island</i> |
| Jason Allan Baier | <i>Kentucky</i> |
| Lisa Marie Block | <i>Indiana</i> |
| Clayton Beauman Dick | <i>Georgia</i> |
| Uma Lakshmi Guduru | <i>Texas</i> |
| Wiyanna Kramer | <i>Michigan</i> |
| Molly J. Lucas | <i>Kentucky</i> |
| Matt J. Maughan | <i>South Carolina</i> |
| Cindy Anne Morris | <i>West Virginia</i> |
| Lisa Bond Nagel | <i>Georgia</i> |
| Curtis Lee Passafume, Jr. | <i>Indiana</i> |
| Danielle Schilling | <i>Missouri</i> |
| Jennifer Marie Snell | <i>West Virginia</i> |
| Erica Sztangret | <i>Connecticut</i> |
| Michael Henry Taday | <i>Arizona</i> |
| Steven Michael Wasil | <i>Indiana</i> |
| Michael J. Weber | <i>Utah</i> |
| Jessica Anne Wilson | <i>West Virginia</i> |
| Peter C. Zervopoulos | <i>Illinois</i> |

1:44 p.m. Mr. Kolezynski moved that the Board receive Per Diem as follows:

| PER DIEM | 01/09 | 01/10 | Total |
|-----------------|--------------|--------------|--------------|
| Cain | | | - |
| Casar | 1 | 1 | 2 |
| Gahm | 1 | 1 | 2 |
| Joyce | 1 | 1 | 2 |
| Lange | 1 | 1 | 2 |
| Kolezynski | 1 | 1 | 2 |
| Mitchell | 1 | 1 | 2 |
| Moné | 1 | 1 | 2 |

Mr. Joyce seconded the motion and it was approved by the Board: *Aye* – 6.

1:44 p.m.

Mr. Gahm moved that the meeting be adjourned. The motion was seconded by Mr. Moné and approved by the Board: *Aye* – 6.

Donald M. Casar, R.Ph., President

Date: _____

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