

**Minutes of the April 7-9, 2014**  
**Meeting of the Ohio State Board of Pharmacy**

**Monday, April 7, 2014**

**10:03 a.m.** The Ohio State Board of Pharmacy convened in Room East B, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Kevin J. Mitchell, R.Ph., *President*; Michael A. Moné, R.Ph., *Vice-President*; Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Megan E. Marchal, R.Ph. and Kilee S. Yarosh, R.Ph.

Also present were Kyle Parker, *Executive Director*; Mark Keeley, *Assistant Executive Director*; Tracy Nave, *Director of Legal Affairs*; Chad Garner, *Director of OARRS*; Eric Griffin, *Compliance Supervisor*; Jennifer Utterdyke, *Director of Internship and Licensing* and Cameron McNamee, *Legislative Affairs Liaison*.

Ms. Ferris stated there was no Nursing Board CPG report, and the next committee meeting is scheduled to occur in May 2014.

Ms. Huwer stated there was no Medical Board PAPC meeting in March or April.

Mr. McNamee presented the Legislative Report.

Antonio Ciaccia, *Ohio Pharmacists Association* addressed the Board.

Ms. Marchal presented information to the Board regarding the drug Zohydro ER®.

Ms. Utterdyke presented the Licensing update and introduced new employee, Emily Maggard, *Certification and Licensing Examiner* to the Board.

Mr. Griffin provided the Compliance and Enforcement update.

Mr. Parker announced that the NABP presentation regarding CPE Monitor and VPP has been rescheduled to occur at the May 2014 Board Meeting.

Mr. Garner provided the Quarterly OARRS/I.T. report.

Mr. Parker announced that he will give an overview of OARRS at the Convention Center in Cleveland on April 12 for the "Medical/Legal Summit OARRS Panel Discussion" with Judge Matia and other community, law enforcement, and healthcare leaders.

**11:03 a.m.**      The Board recessed briefly.

**11:13 a.m.**      The meeting reconvened in Room East B.

**R-2014-172**      The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Patrick W. Caruso**, R.Ph. (03-1-20539) Cincinnati, Ohio, be the responsible person for the following pharmacies:

The Compounding Center, West Chester (02-2333450)  
Mullaney's Pharmacy, West Chester (02-2233100)

After discussion, Mr. Kolezynski moved that the Board approve the request for a period of one year. The motion was seconded by Ms. Ferris and approved by the Board:  
Aye – 7.

**R-2014-173**      The Board received a request to withdraw the Pain Management Clinic application of **Linden Medical Center**, Columbus, Ohio. Mr. Moné moved that the request to withdraw the application be accepted. The motion was seconded by Ms. Huwer and approved by the Board: Aye – 7.

**R-2014-174**      The Board received a request to withdraw the Pain Management Clinic application of **Family Health Care Center**, Columbus, Ohio. Mr. Moné moved that the request to withdraw the application be accepted. The motion was seconded by Mr. Kolezynski and approved by the Board: Aye – 7.

**R-2014-175**      The Board received a request to withdraw the Pain Management Clinic application of **Rheumatology Associates by ValleyCare Medical Group**, Youngstown, Ohio. Mr. Moné moved that the request to withdraw the application be accepted. The motion was seconded by Ms. Marchal and approved by the Board: Aye – 6/Nay – 0/Abstain - 1.

**R-2014-176**      The Board received an application for the Continuing Education Provider Status of **Kristen Monarch-Mocek**, R.Ph. (03-2-30329) Toledo, Ohio. Mr. Moné moved that the Continuing Education Provider Status be approved. The motion was seconded by Ms. Yarosh and approved by the Board: Aye – 7.

**R-2014-177**      The Board received an application for the Continuing Education Provider Status of **Korin Calkins**, R.Ph. (03-2-26219) Petersburg, Michigan. Ms. Marchal moved that the Continuing Education Provider Status be approved. The motion was seconded by Ms. Ferris and approved by the Board: Aye – 7.

**R-2014-178**      The Board received an application for the Continuing Education Provider Status of **Miriam Ansong**, Pharm.D. (03-2-33380) Beavercreek, Ohio. Ms. Huwer moved that the Continuing Education Provider Status be approved. The motion was seconded by Ms. Yarosh and approved by the Board: Aye – 7.

- R-2014-179**      The Board received an application for the Continuing Education Provider Status of **Jennifer Rudell**, R.Ph. (03-2-23700) West Chester, Ohio. Mr. Moné moved that the Continuing Education Provider Status be approved. The motion was seconded by Mr. Kolezynski and approved by the Board: Aye – 7.
- R-2014-180**      The Board received an application for the Continuing Education Provider Status of **Diane McAllister**, Pharm.D. (03-3-22005) Dublin, Ohio. Mr. Moné moved that the Continuing Education Provider Status be approved. The motion was seconded by Ms. Huwer and approved by the Board: Aye – 7.
- R-2014-181**      The Board received an application for the Continuing Education Provider Status of **Craig Buell**, R.Ph. (03-1-14905) Bryan, Ohio. Ms. Ferris moved that the Continuing Education Provider Status be approved. The motion was seconded by Ms. Yarosh and approved by the Board: Aye – 7.
- 11:23 a.m.**      Mr. Kolezynski moved that the Board go into Executive Session to discuss the employment of a public employee, the purchase of property and matters required to be confidential by law pursuant to Section 121.22(G) (1), (2) & (5) of the Ohio Revised Code and to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code. The motion was seconded by Mr. Cain and a roll-call vote was conducted by President Mitchell as follows: Cain – yes; Ferris – yes; Huwer – yes; Kolezynski – yes; Marchal – yes; Moné – yes; and Yarosh – yes.
- 12:15 p.m.**      The executive session ended and the meeting was opened to the public.  
  
The Board recessed for lunch.
- 1:34 p.m.**      The meeting reconvened in room East B.  
  
Mr. Parker distributed information to the Board members, and Mr. Mitchell led a discussion regarding candidates running for office in NABP District IV. Mr. Mitchell appointed Ms. Ferris to be the alternate District IV voting member at the NABP Meeting.
- R-2014-182**      Mr. Kolezynski moved that the Board adopt the following recognition for **Christopher Kenneth Reed**, recognizing his outstanding service to the Board of Pharmacy. The motion was seconded by Mr. Cain and approved by the Board: Aye – 7.

**RESOLUTION of the BOARD**

WHEREAS, the administrative and investigative efforts of Christopher Reed as Compliance Agent and then as Regional Compliance Supervisor with the Ohio State Board of Pharmacy, have directly led to the successful and thoughtful enforcement of the Ohio Drug Laws; and

WHEREAS, these efforts have contributed to the ongoing protection and safety of the citizens of Ohio; therefore

BE IT RESOLVED, that the Ohio State Board of Pharmacy hereby commends Christopher Reed for over 25 years of exemplary service and performance to the Board and to the people of Ohio in carrying out the responsibilities of his position, and

BE IT ALSO RESOLVED, that we, the Members of the Ohio State Board of Pharmacy, in its one hundredth twenty-ninth year, so express our profound appreciation to Christopher Reed for his dedication and service to the Board and the citizens of Ohio, and

BE IT FURTHERED RESOLVED, that this resolution be spread upon the permanent Minutes of the Ohio State Board of Pharmacy.

**R-2014-183** Ms. Huwer moved that the Board adopt the following recognition for **Robert H. Amiet, Jr.**, recognizing his outstanding service to the Board of Pharmacy. The motion was seconded by Ms. Yarosh and approved by the Board: Aye – 7.

**RESOLUTION of the BOARD**

WHEREAS, the administrative and investigative efforts of Robert H. Amiet, Jr. as Compliance Specialist with the Ohio State Board of Pharmacy, have directly led to the successful and thoughtful enforcement of the Ohio Drug Laws; and

WHEREAS, these efforts have contributed to the ongoing protection and safety of the citizens of Ohio; therefore

BE IT RESOLVED, that the Ohio State Board of Pharmacy hereby commends Robert Amiet for his over 27 years of exemplary service and performance to the Board and to the people of Ohio in carrying out the responsibilities of his position, and

BE IT ALSO RESOLVED, that we, the Members of the Ohio State Board of Pharmacy, in its one hundredth twenty-ninth year, so express our profound appreciation to Robert Amiet for his dedication and service to the Board and the citizens of Ohio, and

BE IT FURTHERED RESOLVED, that this resolution be spread upon the permanent Minutes of the Ohio State Board of Pharmacy.

**1:41 p.m.** Mr. Kolezynski moved that the Board go into Executive Session to discuss the employment of a public employee, the purchase of property and matters required to be confidential by law pursuant to Section 121.22(G) (1), (2) & (5) of the Ohio Revised Code and to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code. The motion was seconded by Ms. Ferris and a roll-call vote was

conducted by President Mitchell as follows: Cain – yes; Ferris – yes; Huwer – yes; Kolezynski – yes; Marchal – yes; Moné – yes; and Yarosh – yes.

**3:25 p.m.**      The executive session ended and the meeting was opened to the public.

Mr. McNamee led a discussion regarding the drug Cannabidiol® for the treatment of intractable epilepsy in children. Mr. Moné stated the Board would accept the legislature’s policy decision for the Board to be guarantor of the regulatory process for this drug. However, there is insufficient medical research to warrant the support of the Board.

**3:55 p.m.**      Mr. Kolezynski moved that the Board go into Executive Session to consider the employment of a public employee pursuant to Section 121.22(G) (1) of the Ohio Revised Code.

**5:25 p.m.**      The executive session ended and the meeting was opened to the public.

The Board recessed for the day.

**Tuesday, April 8, 2014**

**9:10 a.m.**      The Ohio State Board of Pharmacy convened in Room East B, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Kevin J. Mitchell, R.Ph., *President*; Michael A. Moné, R.Ph., *Vice-President*; Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph. and Kilee S. Yarosh, R.Ph.

Mr. Kolezynski moved that the Board go into Executive Session to discuss the employment of a public employee, the purchase of property and matters required to be confidential by law pursuant to Section 121.22(G) (1), (2) & (5) of the Ohio Revised Code and to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code. The motion was seconded by Ms. Huwer and a roll-call vote was conducted by President Mitchell as follows: Cain – yes; Ferris – yes; Huwer – yes; Kolezynski – yes; Moné – yes; and Yarosh – yes.

**9:55 a.m.**      The executive session ended and the meeting was opened to the public.

Mr. Mitchell left the meeting.

**10:00 a.m.**      The Board recessed for the Public Rules Hearing.

The public hearing concerning the proposed new and amended rules began in Room West B&C, 31<sup>st</sup> Floor of the Riffe Center, with the following members in attendance:

Michael A. Moné, R.Ph., *Vice-President*; Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph. and Kilee S. Yarosh, R.Ph. Also attending were Legislative Affairs Liaison, Cameron McNamee; Executive Director, Kyle Parker; and Assistant Attorney General, Charissa Payer.

10:12 a.m.      The public rules hearing ended.

The meeting reconvened in Room East B with Mr. Moné presiding.

Mr. Parker led a discussion about the recent FDA meeting regarding the compounding of drugs.

10:32 a.m.      Mr. Mitchell returned to the meeting.

Mary Beth Cain, *PharMEDium Services LLC*, addressed the Board regarding Registered Outsourcing Pharmacies.

10:45 a.m.      Keith Cook, *Avella*, presented a request to the Board for continued approval to remotely cover emergencies and vacation days of the Responsible Pharmacist for the Ohio **Avella** location with an Ohio licensed pharmacist located in Arizona. Mr. Moné stated Avella's previous temporary approval continues to be in effect.

10:53 a.m.      Ms. Marchal joined the meeting.

10:56 a.m.      The Board recessed briefly.

11:00 a.m.      The meeting reconvened in the North Room.

Mike DeWine, *Ohio Attorney General*, gave a presentation to the Board.

11:20 a.m.      The Board was joined by Assistant Attorney General Charissa Payer to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Beth Ann Wing**, R.Ph. (03-1-18886) Lancaster, Ohio.

12:59 p.m.      The hearing ended and the record was closed.

Ms. Marchal moved that the Board recess in order to consider this quasi-judicial matter in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al.* (1998) 81 Ohio St.3d 58. The motion was seconded by Ms. Yarosh and a roll-call vote was conducted by President Mitchell as follows: Cain – yes; Ferris – yes; Huwer – yes; Kolezynski – yes; Marchal – yes; Moné – yes;

Yarosh – yes.

**1:20 p.m.** The recess ended and the hearing was opened to the public.

**R-2014-184** After votes were taken in public session, the Board adopted the following order in the matter of **Beth Ann Wing**, R.Ph. (03-1-18886) Lancaster, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

(Case Number 2012-1424)

In The Matter Of:

**BETH ANN WING, R.Ph.**

1971 Breed Hill Court  
Lancaster, Ohio 43130  
(R.Ph. Number 03-1-18886)

**INTRODUCTION**

The Matter of Beth Ann Wing came for hearing on April 8, 2014, before the following members of the Board: Kevin J. Mitchell, R.Ph. (presiding); Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Megan E. Marchal, R.Ph.; Michael A. Moné, R.Ph.; and Kilee S. Yarosh, R.Ph.

Beth Ann Wing was represented by John M. Snider. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

**State's Witnesses:**

1. James Amend, R.Ph., Ohio State Board of Pharmacy
2. Beth Ann Wing, R.Ph., Respondent

**Respondent's Witness:**

None

**State's Exhibits:**

1. Notice of Opportunity for Hearing 02-25-14  
1A-1C. Procedurals
2. Prescription Profiles for Cora Fields 01-01-11 to 12-31-11
3. Copy of Prescription for Cora Fields 07-18-12
4. Prescription label 07-18-12
5. Prescription Log Report – Prescription Recap 07-18-12 thru 07-18-12
6. Notarized Statement of Beth Ann Wing 08-30-12

Respondent's Exhibits:

- |      |  |                      |
|------|--|----------------------|
| A-D. | Four letters of support  | 03-11-14 to 03-15-14 |
| E.   | Article describing Optimizing Pain Control With Fentanyl Patches | 07-15-08             |

FINDINGS OF FACT

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

- (1) Records of the State Board of Pharmacy indicate that Beth Ann Wing was originally licensed in the State of Ohio on July 29, 1991, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Beth Ann Wing did, on or about July 18, 2012, dispense a drug pursuant to a prescription without having the correct directions for use indicated on the label affixed to the container, to wit: when dispensing fentanyl 100mcg patches on Rx #863803 Beth Ann Wing labeled ten (10) fentanyl 100mcg patches with directions to apply two (2) patches every (72) hours. The patient self-administered two (2) patches and was subsequently harmed and required medical intervention. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code and Rule 4729-5-16 of the Ohio Administrative Code.

CONCLUSIONS OF LAW

The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

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 imposes a monetary penalty of two hundred and fifty dollars (\$250.00) on Beth Ann Wing and payment in full is due and owing within thirty days of the mailing of this Order. The remittance 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.

Further, Beth Ann Wing must obtain, within 90 days from the effective date of this Order, three (0.3 CEUs) of approved continuing pharmacy education in dispensing errors and three (0.3 CEUs) in chronic pain management, none of which may also be used for license renewal.



Michael Moné moved for Findings of Fact; Kilee Yarosh seconded the motion. Motion passed (Aye-7/Nay-0).

Richard Kolezynski moved for Conclusions of Law; Margaret Huwer seconded the motion. Motion passed (Aye-7/Nay-0).

Megan Marchal moved for Action of the Board; Melinda Ferris seconded the motion. Motion passed (Aye-7/Nay-0).

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**1:25 p.m.**

Mr. Kolezynski moved that the Board go into Executive Session to discuss the employment of a public employee, the purchase of property and matters required to be confidential by law pursuant to Section 121.22(G) (1), (2) & (5) of the Ohio Revised Code. The motion was seconded by Mr. Moné and a roll-call vote was conducted by President Mitchell as follows: Cain – yes; Ferris – yes; Huwer – yes; Kolezynski – yes; Marchal – yes; Moné – yes; and Yarosh – yes.

**2:00 p.m.**

The executive session ended and the meeting was opened to the public.

Mr. Mitchell left the meeting.

The Board convened in Room West B&C, 31st Floor of the Vern Riffe Center for Government and the Arts. The following candidates for licensure by reciprocity introduced themselves to the Board, and then participated in a discussion of pharmacy laws and rules with Ms. Terri Ghitman, *OARRS Pharmacist*:

Eva M. Arigapudi	Wisconsin
Kelly Jean Delaney	Michigan
Aditi Shrojalkumar Desai	Minnesota
Kyle Ryan Grimslid	Texas
Randy James Heiser	Pennsylvania
Lanet Elaine Hightower	Texas
David W. Koh	Kentucky
Daniel Ray Lineberry	Virginia
Charles A. Massey	West Virginia
Doaa Eid Mohammed	Indiana
Jacqueline Anne Press Napolillo	Rhode Island
Kristen Navickas	Missouri
Christopher Jose Pareja	Pennsylvania
James R. Riegel	Virginia
John H. Schulte	Missouri
Priya Bharat Shah	New York
Melissa Spurling	Colorado
Mark Winston Thomas	Texas

David Trinh	Virginia
Anuja Chetan Wagle	Pennsylvania
Jeana M. Burke Wahlbrink	Kentucky
Dana Wright	Pennsylvania

**2:15 p.m.** The Board recessed briefly.

**2:30 p.m.** The meeting reconvened in Room East B with Mr. Moné presiding.

The Board was joined by Assistant Attorney General Charissa Payer to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Daniel E. Liming**, R.Ph. (03-1-12377) Cincinnati, Ohio.

**3:29 p.m.** The hearing ended and the record was closed.

Ms. Yarosh moved that the Board recess in order to consider this quasi-judicial matter in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al.* (1998) 81 Ohio St.3d 58. The motion was seconded by Ms. Marchal and a roll-call vote was conducted by Vice-President Moné as follows: Cain – yes; Ferris – yes; Huwer – yes; Kolezynski – yes; Marchal – yes; Yarosh – yes.

**3:39 p.m.** The recess ended and the hearing was opened to the public.

**R-2014-185** After votes were taken in public session, the Board adopted the following order in the matter of **Daniel E. Liming**, R.Ph. (03-1-12377) Cincinnati, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

(Case Number 2012-1218)

In The Matter Of:

**DANIEL E. LIMING, R.Ph.**

8148 Woodbine

Cincinnati, Ohio 45216

(R.Ph. Number 03-1-12377)

**INTRODUCTION**

The Matter of Daniel E. Liming came for hearing on April 8, 2014, before the following members of the Board: Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Megan E. Marchal, R.Ph.; Michael A. Moné, R.Ph. (presiding) and Kilee S. Yarosh, R.Ph.

Kevin J. Mitchell, R.Ph., absent.

Daniel E. Liming was not represented by Counsel. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Daniel E. Liming, R.Ph., Respondent
2. Betty Jones, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

1. None

State's Exhibits:

- |       |   |                      |
|-------|---|----------------------|
| 1.    | Notice of Opportunity for Hearing   | 02-18-14             |
| 1A-C. | Procedurals   |                      |
| 2.    | Copy of RX #6399673-01400400 for Strattera 10 mg  | 01-17-12             |
| 3.    | Customer Statement Report at Kroger   | 03-01-11 to 04-30-12 |
| 4.    | Computer Print-out of Strattera 10 mg   | 01-28-12 to 02-27-12 |
| 5.    | Copy of RX label for RX 6399673 for Strattera 10 mg   | 03-02-12             |
| 6.    | Strattera Pill Pictures – Epocrates online  | 04-23-12             |
| 7.    | Dangerous Drug Distributor Inspection Report at Kroger Pharmacy #400                                | 04-30-12             |
| 8.    | Action plan explanation by Dan Liming, R.Ph.  | Not Dated            |
| 9.    | Notarized statement of Dan Liming, R.Ph.  | 05-08-12             |
| 10.   | Copy of prescription for Keppra 500mg and copy of RX Label for Keppra XR 500mg RX #6366002-01400400 | 03-04-11             |
| 11.   | Copy of RX for Gabapentin 100mg and copy of RX label for Gabapentin 300 mg RX 6410019-01400400      | 04-27-12<br>04-30-12 |
| 12.   | Copy of RX for Metadate CD 40mg and copy of label for RX #230982-01400400                           | 04-19-11             |
| 13.   | Copy of RX for montelukast (SINGULAIR) 10 mg and copy of RX label for RX 6385660-01400400           | 09-20-11             |
| 14.   | Copy of RX for Medrol 4mg and copy of label for RX 6386935-01400400                                 | 09-28-11             |
| 15.   | Copy of RX for LEXAPRO 10mg and copy of label for RX 6397404-1400400                                | 01-09-12             |

Respondent's Exhibits:

None

FINDINGS OF FACT

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

(1) Records of the State Board of Pharmacy indicate that Daniel E. Liming 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) Daniel E. Liming did, on or about March 2, 2012, misbrand a drug, to wit: when Daniel E. Liming received a prescription for Strattera 10 mg, RX #6399673, he dispensed Strattera 100 mg, which had not been specifically prescribed by the physician. The patient ingested nine (9) doses of Strattera 100 mg and was subsequently harmed. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

(3) Daniel E. Liming did, between March 4, 2011 and April 27, 2012, misbrand or dispense an adulterated drug on six (6) separate occasions, to wit:

- On or about March 4, 2011, when Daniel E. Liming received a prescription for Keppra 500 mg, RX #6366002, he dispensed Keppra XR 500 mg, which had not been specifically prescribed by the physician.
- On or about April 27, 2012 Daniel E. Liming received a prescription for Gabapentin 100 mg RX #6410019, however, he dispensed Gabapentin 300 mg which was not specifically prescribed by the physician.
- On or about April 19, 2011, when Daniel E. Liming received a prescription for Metadate CD 40 mg, RX #2304982, he dispensed the prescription with tablets that had expired the previous month.
- On or about September 20, 2011, the label and dispensing record for Singulair, RX #6385660 showed that ninety (90) tablets of Singulair were to be dispensed, however, only thirty (30) tablets were dispensed.
- On or about October 1, 2011, Daniel E. Liming received a prescription for Medrol, RX #6386935, he dispensed Welchol, which was not specifically prescribed by the physician.
- On or about January 9, 2012, Daniel E. Liming received a prescription for Depakote (DR) 500 mg, RX #6397404, to be taken at bedtime he dispensed Depakote ER 500 mg to be taken every six hours, which was not specifically prescribed by the physician.

Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

CONCLUSIONS OF LAW

The State Board of Pharmacy concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

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 imposes a monetary penalty of five hundred dollars (\$500.00) on Daniel E. Liming and payment in full is due and owing within thirty days of the mailing of this Order. The remittance 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.

Daniel E. Liming must obtain, within 90 days from the effective date of this Order, ten (1.0 CEUs) of approved continuing pharmacy education in medication error prevention which may not also be used for license renewal.

Kilee Yarosh moved for Findings of Fact; Margaret Huwer seconded the motion. Motion passed (Aye-6/Nay-0).

Richard Kolezynski moved for Conclusions of Law; Megan Marchal seconded the motion. Motion passed (Aye-6/Nay-0).

Richard Kolezynski moved for Action of the Board; Megan Marchal seconded the motion. Motion passed (Aye-6/Nay-0).

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Mr. Mitchell returned to the meeting.

Mr. Kolezynski moved that the Board go into Executive Session to discuss the employment of a public employee, the purchase of property and matters required to be confidential by law pursuant to Section 121.22(G) (1), (2) & (5) of the Ohio Revised Code and to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code. The motion was seconded by Ms. Yarosh and a roll-call vote was conducted by Vice-President Moné as follows: Cain – yes; Ferris – yes; Huwer – yes; Kolezynski – yes; Marchal – yes; and Yarosh – yes.

**4:12 p.m.**

The executive session ended and the meeting was opened to the public.

The Board recessed for the day.

**Wednesday, April 9, 2014**

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

Kevin J. Mitchell, R.Ph., *President*; Michael A. Moné, R.Ph., *Vice-President*; Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Megan E. Marchal, R.Ph.; and Kilee S. Yarosh, R.Ph.

**R-2014-186** Mr. Kolezynski moved that the Board Minutes of March 4-5, 2014, be approved as written. Ms. Yarosh seconded the motion and it was approved by the Board: Aye – 7.

Mr. Kolezynski moved that the Board go into Executive Session to discuss the employment of a public employee, the purchase of property and matters required to be confidential by law pursuant to Section 121.22(G) (1), (2) & (5) of the Ohio Revised Code and to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code. The motion was seconded by Ms. Marchal and a roll-call vote was conducted by President Mitchell as follows: Cain – yes; Ferris – yes; Huwer – yes; Kolezynski – yes; Marchal – yes; Moné – yes; and Yarosh – yes.

**10:12 a.m.** The executive session ended and the meeting was opened to the public.

The Board recessed briefly.

**10:30 a.m.** The meeting reconvened in Room East B.

The Board was joined by Assistant Attorney General Charissa Payer to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Joseph S. Bettman**, R.Ph. (03-1-05038) Englewood, Ohio.

Ms. Payer presented the Board with a proposed settlement in the matter of **Joseph S. Bettman**, R.Ph.

Mr. Kolezynski moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code. The motion was seconded by Ms. Huwer and a roll-call vote was conducted by President Mitchell as follows: Cain – yes; Ferris – yes; Huwer – yes; Kolezynski – yes; Marchal – yes; Moné – yes; and Yarosh – yes.

**11:25 a.m.** The executive session ended and the meeting was opened to the public.

**R-2014-187** Mr. Moné moved that the request for settlement presented by **Joseph S. Bettman, R.Ph.** be accepted allowing for sufficient time for the preparation and approval of settlement documentation. The motion was seconded by Ms. Huwer and approved by the Board: Aye – 7.

**R-2014-188** Mr. Moné moved that the request for settlement presented by **Entirely Pets Pharmacy (02-2312350)** Union City, California be accepted allowing for sufficient time for the preparation and approval of settlement documentation. The motion was seconded by Ms. Huwer and approved by the Board: Aye – 7.

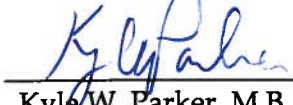
**R-2014-189** Ms. Yarosh moved that the Board receive Per Diem as follows:

PER DIEM	3/20	3/21	4/7	4/8	4/9	Total
Cain	0	0	1	1	1	3
Ferris	0	0	1	1	1	3
Huwer	0	0	1	1	1	3
Kolezynski	0	0	1	1	1	3
Mitchell	0	0	1	1	1	3
Marchal	0	0	1	1	1	3
Moné	1	1	1	1	1	5
Yarosh	0	0	1	1	1	3

Ms. Huwer seconded the motion and it was approved by the Board: Aye – 7.

**R-2014-190** Ms. Yarosh moved that the meeting be adjourned. The motion was seconded by Mr. Moné and approved by the Board: Aye – 7.

  
 \_\_\_\_\_ Date: 10 Apr 14  
 Kevin J. Mitchell, R.Ph., President

  
 \_\_\_\_\_ Date: 6-16-14  
 Kyle W. Parker, M.B.A., R.Ph., Executive Director