

**Minutes of the July 8, 2014**  
**Meeting of the Ohio State Board of Pharmacy**

**Tuesday July 8, 2014****9:00 a.m.**

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

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

Also present were Kyle Parker, *Executive Director*; Mark Keeley, *Assistant Executive Director*; Eric Griffin, *Compliance Supervisor*; Jennifer Utterdyke, *Director of Internship and Licensing*; Cameron McNamee, *Legislative Affairs Liaison* and Charissa Payer, *Assistant Attorney General*.

Ms. Ferris stated there was no new Nursing Board CPG meeting report.

Ms. Huwer stated the last Medical Board PAPC meeting occurred in June 2014, and the July meeting has been canceled.

Mr. McNamee presented the Legislative Report.

**R-2015-001**

Mr. Mitchell moved that the rules 4729-8-01, 4729-8-02, 4729-8-03, 4729-8-04, and 4729-8-05 be filed as proposed. The motion was seconded by Mr. Kolezynski and approved by the Board: Aye – 6.

**R-2015-002**

Ms. Yarosh moved that rules 4729-16-01 and 4729-16-02 be filed for adoption. The motion was seconded by Ms. Huwer and approved by the Board: Aye – 6.

**R-2015-003**

Ms. Marchal moved that rule 4729-7-02 be approved as amended. The motion was seconded by Ms. Ferris and approved by the Board: Aye – 6.

Ms. Utterdyke presented the Licensing update.

Mr. Griffin provided the Compliance and Enforcement update.

Mr. Parker provided the OARRS/I.T. report.

**R-2015-004**

The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Christy M. Barr**, R.Ph. (03-3-24115) Cincinnati, Ohio, be the responsible person for the following pharmacies:

QoL meds, LLC, Cincinnati (02-2384050)  
QoL meds, LLC, Lebanon (02-2434600)

After discussion, Ms. Marchal moved that the Board approve the request for a period until August 1, 2014. The motion was seconded by Mr. Kolezynski and approved by the Board: Aye – 6.

The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Ziad E. Jammal**, R.Ph. (03-1-22810) Westlake, Ohio, be the responsible person for the following pharmacies:

AccuScripts Pharmacy, LLC (long-term care), Cincinnati (02-2339700)  
AccuScripts Pharmacy, LLC (retail), Cincinnati (processing)

The Board tabled the discussion for further information.

- R-2015-005** The Board received a request to withdraw the Pain Management Clinic application of **Integrated Pain Concepts, LLC**, Canton, Ohio. Ms. Ferris moved that the request to withdraw the application be accepted. The motion was seconded by Ms. Yarosh and approved by the Board: Aye – 6.
- R-2015-006** The Board received an application for the Continuing Education Provider Status of **Jean Glaser**, Pharm.D. (03-3-15909) Granville, Ohio. Ms. Huwer moved that the Continuing Education Provider Status be approved. The motion was seconded by Ms. Ferris and approved by the Board: Aye – 6.
- R-2015-007** The Board received an application for the Continuing Education Provider Status of **Jan Kover**, R.Ph. (03-2-15289) North Ridgeville, Ohio. Ms. Ferris moved that the Continuing Education Provider Status be approved. The motion was seconded by Ms. Marchal and approved by the Board: Aye – 6.
- R-2015-008** The Board received an application for the Continuing Education Provider Status of **Craig Ratermann**, R.Ph. (03-1-29556) Cincinnati, Ohio. Ms. Marchal moved that the Continuing Education Provider Status be approved. The motion was seconded by Ms. Ferris and approved by the Board: Aye – 6.
- R-2015-009** The Board received an application for the Continuing Education Provider Status of **Sean Cull**, R.Ph. (03-2-15135) Fredericktown, Ohio. Ms. Marchal moved that the Continuing Education Provider Status be approved. The motion was seconded by Ms. Yarosh and approved by the Board: Aye – 6.
- R-2015-010** The Board received an application for the Continuing Education Provider Status of **Mate Soric**, R.Ph. (03-1-29285) Twinsburg, Ohio. Mr. Mitchell moved that the Continuing

Education Provider Status be approved. The motion was seconded by Mr. Kolezynski and approved by the Board: Aye – 6.

**R-2015-011** The Board received an application for the Continuing Education Provider Status of **Tanya S. Mounts**, R.Ph. (03-1-18818) Ashland, 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 – 6.

**9:59 a.m.** The Board recessed briefly.

**10:10 a.m.** The meeting reconvened in Room South B&C.

Ms. Payer provided the AG Report.

Mr. Parker led a discussion regarding the BPS Continuing Education credits for specialty certifications in Pediatrics and Critical Care, in addition to Ambulatory Care, Nuclear Support Pharmacy, Nutrition Support Pharmacy, Oncology Pharmacy, Pharmacotherapy, and Psychiatric Pharmacy.

**R-2015-012** Mr. Mitchell moved that the specialty certifications of Pediatrics and Critical Care be approved for meeting CE hours, as has Ambulatory Care, Nuclear Support Pharmacy, Nutrition Support Pharmacy, Oncology Pharmacy, Pharmacotherapy, and Psychiatric Pharmacy. The motion was seconded by Ms. Ferris and approved by the Board: Aye – 6.

**R-2015-013** The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Ziad E. Jammal**, R.Ph. (03-1-22810) Westlake, Ohio, be the responsible person for the following pharmacies:

AccuScripts Pharmacy, LLC (long-term care), Cincinnati (02-2339700)  
AccuScripts Pharmacy, LLC (retail), Cincinnati (processing)

After discussion, Ms. Yarosh 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 – 6.

**10:18 a.m.** 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 and 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 Ms. Yarosh and a roll-call vote was conducted by President Moné as follows: Ferris – yes; Huwer – yes; Kolezynski – yes; Marchal – yes; Mitchell – yes; and Yarosh – yes.

**11:03 a.m.** The executive session ended and the meeting was opened to the public.

**11:03 a.m.** The Board recessed for the Public Rules Hearing.

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

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

**11:11 a.m.** The public rules hearing ended.

The meeting reconvened in Room South B&C.

**11:15 a.m.** Sarah Pierce, *Assistant Attorney General*, gave a presentation to the Board regarding Public Records.

**11:53 a.m.** The Board recessed for lunch.

**1:15 p.m.** The meeting reconvened in Room South B&C.

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 Ms. Marchal and a roll-call vote was conducted by President Moné as follows: Ferris – yes; Huwer – yes; Kolezynski – yes; Marchal – yes; Mitchell – yes; and Yarosh – yes.

**1:30 p.m.** The executive session ended and the meeting was opened to the public.

**1:30 p.m.** The Board convened in Room South A, 31<sup>st</sup> 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*:

|                          |              |
|--------------------------|--------------|
| Elise Albro              | Kentucky     |
| Amy Arnholt              | Maryland     |
| Derek Nathaniel Bremer   | Pennsylvania |
| Adelina Cercone          | Pennsylvania |
| Alyssa Yi-Ann Chen       | Illinois     |
| Armisha Mahesh Desai     | Texas        |
| Deidra Annette Dickerson | Tennessee    |
| Zachary James Elerick    | Pennsylvania |
| Lanting Fuh              | Colorado     |

|                           |                |
|---------------------------|----------------|
| Lauren Nicole Gompers     | West Virginia  |
| Denice Haines             | Indiana        |
| Jordan Lee Hill           | West Virginia  |
| Yumi Katharine Honda      | California     |
| Mayonta Edricka Jefferson | Pennsylvania   |
| Brian Edward Johnson      | Wisconsin      |
| Justin B. Kaplan          | New Jersey     |
| Gina M. Karcsh            | Pennsylvania   |
| Nichole Lee Keller        | Nebraska       |
| David Ethan Koren         | New Jersey     |
| Bolanle Ashley Lawuyi     | North Carolina |
| Abbie Diane Leino         | Maryland       |
| Lauren Burke Levine       | Indiana        |
| Dennison Lim              | Indiana        |
| Andrew Longmate           | Indiana        |
| Matthew Paul Madurski     | Pennsylvania   |
| David J. Mauro            | Florida        |
| Punam H. Patel            | Georgia        |
| Megan Nicole Perry        | Tennessee      |
| Eli Gerard Phillips, Jr.  | Pennsylvania   |
| Emily Ann Rodman          | Minnesota      |
| Michael Anthony Rudoni    | Michigan       |
| Hillary Renee Szuch       | Arizona        |
| Anuj Thirwani             | Oregon         |
| Milena Andrade Vaughn     | California     |
| Patrick R. Welch          | Alabama        |
| Brandon Wilds             | Florida        |
| James B. Williams         | Michigan       |
| Sherry Nichelle Williams  | Illinois       |

**2:00 p.m.** The meeting reconvened in Room South B&C.

**R-2015-014** Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**  
(Case No. -2011-1637) (Docket No. 120103-237)

In the Matter of:

**DAYTON PAIN MANAGEMENT, LLC**  
**c/o Robert E. Windsor, M.D.**  
1074 Patterson Road  
Dayton, Ohio 45420

This Settlement Agreement is entered into by and between Dayton Pain Management, LLC 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.

Dayton Pain Management, LLC 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, the right to appeal. Dayton Pain Management, LLC 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 grant or 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, Dayton Pain Management, LLC applied for a license as a category III terminal distributor of dangerous drugs with a pain management clinic classification in the State of Ohio.

WHEREAS, on or about January 3, 2012, pursuant to Chapter 119. of the Ohio Revised Code, Dayton Pain Management, LLC 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/continued by the Board. The January 3, 2012, Proposal to Deny Letter contains the following allegations or charges:

(1) Records of the Board of Pharmacy indicate that on or about June 20, 2011, you were the owner of Dayton Pain Management, LLC, and that on said date, Robert E. Windsor, M.D. submitted an application for registration as a Terminal Distributor of Dangerous Drugs with a Pain Management Clinic Classification.

(2) Dayton Pain Management, LLC has failed to furnish satisfactory proof to the Board that it is equipped as to land, buildings, and equipment to properly carry on the business of a Terminal Distributor of Dangerous Drugs within the category of licensure approved by the Board. Specifically, though dangerous drugs are stored in the facility, there is no accounting mechanism for drug stock received, possessed, administered, or dispensed. Such is contrary to Section 4729.55(A) of the Ohio Revised Code.

(3) Dayton Pain Management, LLC has failed to furnish satisfactory proof to the Board that a licensed health professional authorized to prescribe drugs will maintain supervision and control over possession and custody of dangerous drugs that may be acquired by or on behalf of the applicant. Specifically, the facility was owned and operated by a chiropractor, not authorized to prescribe drugs, and was sold recently to a

physician from Georgia who plans to be in the facility only two times per month. Such is contrary to Section 4729.55(B) of the Ohio Revised Code.

(4) The license holder of Dayton Pain Management, LLC has failed to furnish satisfactory proof to the Board that he shall be in control of the facility that is owned and operated solely by one or more physicians authorized under Chapter 4731. of the Ohio Revised Code to practice medicine and surgery or osteopathic medicine and surgery. Specifically, the owner does not intend to operate the facility. Further, the facility was previously owned and operated by a chiropractor, not authorized to prescribe drugs, and was sold recently to the proposed license holder, a physician from Georgia who plans to be in the facility only two times per month. Such is contrary to Section 4729.552(B)(1) of the Ohio Revised Code and Rule 4731-29-01(B) of the Ohio Administrative Code.

Dayton Pain Management, LLC neither admits nor denies the allegations stated in the Proposal to Deny Letter dated January 3, 2012.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Dayton Pain Management, LLC knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(A) An Ohio-resident physician, who meets the qualifications of Ohio Administrative Code Section 4731-29-01, will henceforth be part-owner of the clinic and designated as Responsible Person for the clinic;

(B) All individuals with any ownership interest in the clinic will meet the qualifications of Ohio Administrative Code Section 4731-29-01;

(C) Dayton Pain Management Clinic, LLC has submitted an amended application for licensure demonstrating compliance with paragraphs A and B, above, and compliance with all other requirements for licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification;

(D) As a result of compliance with paragraphs A-C, above, the Board hereby dismisses the Proposal to Deny Letter dated January 3, 2012, and issues the requested license.

(E) Dayton Pain Management, LLC hereby acknowledges that this agreement does not prohibit any future legal action taken by the Board of Pharmacy for violations of rule or law that were not contained in the allegations enumerated in the Proposal to Deny Letter dated January 3, 2012, or any allegations arising after the date of said letter.

Dayton Pain Management, LLC 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.

Dayton Pain Management, LLC 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. Dayton Pain Management, LLC waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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**R-2015-015** Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY  
(Case Number 2013-1456)

In The Matter Of:

**HIGHLAND OAKS HEALTH CAMPUS**  
4114 N. State Route 376 NW  
McConnelsville, Ohio 43756

This Settlement Agreement is entered into by and between Highland Oaks Health Campus 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.

Highland Oaks Health Campus voluntarily 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. Highland Oaks Health Campus acknowledges that by entering into this Agreement Highland Oaks Health Campus has waived their rights under Chapter 119. of the Ohio 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, Highland Oaks Health Campus is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about October 21, 2013, pursuant to Chapter 119. of the Ohio Revised Code, Highland Oaks Health Campus was notified of the allegations or charges against them, their right to a hearing, their rights in such hearing, and their right to submit



contentions in writing. Highland Oaks Health Campus requested a hearing; it was scheduled and continued. The October 21, 2013, Proposal to Deny/Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the Board of Pharmacy indicate that on or about April 9, 2013, Barbara Gay O'Keefe Murrell was the responsible person for Highland Oaks Health Campus, 4114 N. State Route 376 NW, New McConnelsville, Ohio, and that on said date Highland Oaks Health Campus submitted an application for registration as a Terminal Distributor of Dangerous Drugs.
- (2) On or around April 9, 2013, applicant did knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: the application shows a negative answer to the following question: "[h]as the applicant, owner(s), Responsible Person, any agent, or any employee of the location being licensed, or any officer of the corporation, ever been the subject of disciplinary action by any state or federal agency?" On or around September 9, 2009, Dr. Barbara Gay O'Keefe Murrell, Responsible Person for Highland Oaks Health Campus, entered into a consent agreement with the State Medical Board of Ohio to address Dr. Murrell's admitted extensive and excessive alcohol consumption and history of marijuana use. As a result of this Consent Agreement, Dr. Murrell's medical license was indefinitely suspended. Step I Consent Agreement between Barbara Gay O'Keefe Murrell, M.D., and The State Medical Board of Ohio. On or around December 9, 2009, Dr. Murrell signed a second Consent Agreement with the State Medical Board of Ohio reinstating her medical license subject to probationary terms, conditions and limitations. The probationary period for this second Consent Agreement will not end until at least December 9, 2014. Step II Consent Agreement between Barbara Gay O'Keef Murrell, M.D., and The State Medical Board of Ohio. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes making a false material statement in an application for registration as a terminal distributor of dangerous drugs, not being of good moral character and habits, and constitutes prior discipline by a professional licensing board pursuant within the meaning of Rule 4729-9-19 of the Ohio Administrative Code and Section 4729.57 of the Ohio Revised Code.
- (3) On or around September 9, 2009, Dr. Barbara Gay O'Keefe Murrell, Responsible Person for Highland Oaks Health Campus, entered into a consent agreement with the State Medical Board of Ohio to address Dr. Murrell's admitted extensive and excessive alcohol consumption and history of marijuana use. As a result of this Consent Agreement, Dr. Murrell's medical license was indefinitely suspended. Step I Consent Agreement between Barbara Gay O'Keefe Murrell, M.D., and The State Medical Board of Ohio. On or around December 9, 2009, Dr. Murrell signed a second Consent Agreement with the State Medical Board of Ohio reinstating her medical license subject to probationary terms, conditions and limitations. The probationary period for this second Consent Agreement will not end until at least December 9, 2014. Step II Consent Agreement between Barbara Gay O'Keef Murrell, M.D., and The State Medical Board of Ohio. Such conduct if proven constitutes prior discipline by a professional licensing

board pursuant within the meaning of Rule 4729-9-19 of the Ohio Administrative Code and Section 4729.57 of the Ohio Revised Code.

Highland Oaks Health Campus neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated October 21, 2013; 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, Highland Oaks Health Campus knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(A) Highland Oaks Health Campus agrees to the imposition of a monetary penalty of five hundred dollars (\$500.00) due and owing within 30 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.

Highland Oaks Health Campus 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.

Highland Oaks Health Campus 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. Highland Oaks Health Campus waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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**R-2015-016** Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**  
(Case No. 2013-1716)

In The Matter Of:

**SAMUEL ROBERT ALLEN, R.Ph.**

1665 Nob Hill Road  
Zanesville, Ohio 43701  
(R.Ph. No. 03-1-32181)

This Settlement Agreement is entered into by and between Samuel Robert Allen 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.

Samuel Robert Allen 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. Samuel Robert Allen acknowledges that by entering into this Agreement he has waived his rights under Chapter 119. of the Ohio 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, Samuel Robert Allen is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about May 23, 2014, pursuant to Chapter 119. of the Ohio Revised Code, Samuel Robert Allen 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. Samuel Robert Allen requested a hearing; it was scheduled and continued. The May 23, 2014 Notice of Opportunity for Hearing contains the following allegations or charges:

(1) Records of the State Board of Pharmacy indicate that Samuel Robert Allen was originally licensed in the State of Ohio on August 1, 2012, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.

(2) Samuel Robert Allen did, on or about July 23, 2013, misbrand a drug, to wit: when Samuel Robert Allen received a prescription for Nitroglycerin 0.2%, RX396448, he dispensed Nitro-Bid 2%, which had not been specifically prescribed by the physician. The patient used one (1) application of the Nitro-Bid 2% on July 24, 2013, and began to feel burning and developed a severe headache. The patient applied one (1) application of the Nitro-Bid 2% on July 25, 2013, and, again, felt burning, developed a severe headache, and experienced dizziness. The patient was sent home from work because she could not perform her duties due to the side effects of using the Nitro-Bid 2%. Such conduct constitutes a violation of Section 3715.52(A)(2) of the Ohio Revised Code, and if proven constitutes unprofessional conduct in the practice of pharmacy.

Samuel Robert Allen neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated May 23, 2014; 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, Samuel Robert Allen knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(A) Samuel Robert Allen agrees to the imposition of a monetary penalty of five hundred dollars (\$500.00) due and owing within 30 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, Samuel Robert Allen must obtain, within 90 days from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs), in patient safety/medication errors which may not also be used for license renewal.

Samuel Robert Allen 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.

Samuel Robert Allen 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. Samuel Robert Allen waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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**R-2015-017** Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

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

(Case No. 2013-1687)

In The Matter Of:

**ERMANO MARIO MANZO, R.Ph.**

6908 Long Drive Lane

Loveland, Ohio 45140

(R.Ph. No. 03-2-15480)

This Settlement Agreement is entered into by and between Ermano Mario Manzo 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.

Ermano Mario Manzo 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. Ermano Mario Manzo acknowledges that by

entering into this Agreement he has waived his rights under Chapter 119. of the Ohio 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, Ermanno Mario Manzo is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about May 14, 2014, pursuant to Chapter 119. of the Ohio Revised Code, Ermanno Mario Manzo 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. Ermanno Mario Manzo requested a hearing; it was scheduled and continued. The May 14, 2014, Notice of Opportunity for Hearing contains the following allegations or charges:

(1) Records of the State Board of Pharmacy indicate that Ermanno Mario Manzo was originally licensed in the State of Ohio on May 22, 1984, pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio.

(2) Ermanno Mario Manzo did, on or about April 29, 2013, misbrand a drug, to wit: when Ermanno Mario Manzo received a prescription for Tenormin (atenolol) 100mg, RX #1400413-6578642, he dispensed Tenoretic 100/25 (atenolol/chlorothalidone), which had not been specifically prescribed by the physician. Ermanno Mario Manzo admitted this misbranding error to an Ohio State Board of Pharmacy Agent on or about September 19, 2013. The patient ingested the improperly dispensed medication for approximately one (1) month and was subsequently harmed. Such conduct constitutes misbranding a drug in violation of Section 3715.52(A)(2) of the Ohio Revised Code, and if proven constitutes unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

(3) Ermanno Mario Manzo did, on or about April 29, 2013, prior to dispensing RX #1400413-6578642, fail to perform a proper prospective drug utilization review, to wit: the patient, was prescribed Tenormin (atenolol) 100 mg, RX #1400413-6578642, but Ermanno Mario Manzo dispensed Tenoretic 100/25 (atenolol/chlorothalidone), which had not been specifically prescribed by the physician. Ermanno Mario Manzo admitted to a State Board of Pharmacy Agent on September 19, 2013, that he saw in the patient's profile that the patient was already taking hydrochlorothiazide, but that Ermanno Mario Manzo rushed through the drug utilization review screen to keep up with the store's metric wait time. A drug duplication warning appeared on the pharmacy's computer system but was overridden. The patient ingested the wrong medication for approximately one (1) month and was subsequently harmed. Such conduct constitutes failure to perform an appropriate prospective drug utilization review in violation of Rule 4729-5-20 of the Ohio Administrative Code, and if proven constitutes being guilty

of unprofessional conduct in the practice of pharmacy and/or guilty of willfully violating a rule adopted by the Board under Chapter 4729. Of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio revised Code.

Ermano Mario Manzo neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated May 14, 2014; 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, Ermano Mario Manzo knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(A) Ermano Mario Manzo agrees to the imposition of a monetary penalty of five hundred dollars (\$500.00) due and owing within 30 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, Ermano Mario Manzo must obtain, within 90 days from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs) in patient safety/medication errors, which may not also be used for license renewal.

Ermano Mario Manzo 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.

Ermano Mario Manzo 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. Ermano Mario Manzo waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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**R-2015-018**

Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Case No. 2013-2095)

In The Matter Of:

**AMY LYNN DURELL, R.Ph., PHARMD**

792 Maple Vista Drive

Delaware, Ohio 43015  
(R.Ph. No. 03-1-27423)

This Settlement Agreement is entered into by and between Amy Lynn Durell 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.

Amy Lynn Durell 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. Amy Lynn Durell 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, Amy Lynn Durell is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about May 23, 2014, pursuant to Chapter 119. of the Ohio Revised Code, Amy Lynn Durell 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. Amy Lynn Durell accepted this offer for settlement rather than a hearing. The May 23, 2014, Notice of Opportunity for Hearing contains the following allegations or charges:

(1) Records of the State Board of Pharmacy indicate that Amy Lynn Durell was originally licensed in the State of Ohio on July 5, 2006, pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio.

(2) Amy Lynn Durell did, on or about August 23, 2013, knowingly a false statement with purpose to secure the issuance of a license or registration, to wit: Amy Lynn Durell indicated on her pharmacist continuing education submission form that she had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved Jurisprudence, when in fact Amy Lynn Durell only submitted 57 C.E.U.s, as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

Amy Lynn Durell admits the allegations stated in the Notice of Opportunity for Hearing letter dated May 23, 2014; 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, Amy Lynn Durell knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(A) Amy Lynn Durell herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00). due and owing within 30 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) Amy Lynn Durell will submit additional documentation to show compliance with continuing education requirements within 30 days from the effective date of this Agreement, else Amy Lynn Durell's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

Amy Lynn Durell 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.

Amy Lynn Durell 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. Amy Lynn Durell waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

**R-2015-019**

Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**  
(Case No. 2013-2089)

In The Matter Of:

**JENNIFER MICHELLE HARRISON, R.Ph.**  
37390 Tail Feather Drive  
North Ridgeville, Ohio 44039  
(R.Ph. No. 03-1-27307)

This Settlement Agreement is entered into by and between Jennifer Michelle Harrison 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.



Jennifer Michelle Harrison 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. Jennifer Michelle Harrison acknowledges that by entering into this Agreement she has waived her rights under Chapter 119. of the Ohio 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, Jennifer Michelle Harrison is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about May 23, 2014, pursuant to Chapter 119. of the Ohio Revised Code, Jennifer Michelle Harrison 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. Jennifer Michelle Harrison requested a hearing; it was scheduled and continued. The May 23, 2014, Notice of Opportunity for Hearing contains the following allegations or charges:

(1) Records of the State Board of Pharmacy indicate that Jennifer Michelle Harrison was originally licensed in the State of Ohio on July 12, 2006, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.

(2) Jennifer Michelle Harrison did, on or about August 1, 2013, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Jennifer Michelle Harrison indicated on her pharmacist continuing education submission form that she had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved Jurisprudence, when in fact Jennifer Michelle Harrison only submitted 56.5 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code.

Jennifer Michelle Harrison neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated May 23, 2014; 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, Jennifer Michelle Harrison knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(A) Jennifer Michelle Harrison agrees to the imposition of a monetary penalty of two hundred and fifty dollars (\$250.00) due and owing within 30 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, Jennifer Michelle Harrison must obtain, within 90 days from the effective date of this Agreement, three hours of approved continuing pharmacy education (0.3 CEUs), which may not also be used for license renewal.

(C) Further Jennifer Michelle Harrison will be audited at her next continuing education reporting cycle.

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

Jennifer Michelle Harrison 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.

Jennifer Michelle Harrison 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. Jennifer Michelle Harrison waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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**R-2015-020**

Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY  
(Case2013-1822)

In The Matter Of:

**KENNETH KENNEDY, R.Ph.**  
25 Cliffview Ave.  
Fort Thomas, KY 41075  
(R.Ph. No. 03-1-31948)

This Settlement Agreement is entered into by and between Kenneth Kennedy 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.

Kenneth Kennedy 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. Kenneth Kennedy acknowledges that by entering into this Agreement he has waived his rights under Chapter 119. of the Ohio 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, Kenneth Kennedy is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about December 12, 2013, pursuant to Chapter 119. of the Ohio Revised Code, Kenneth Kennedy 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. Kenneth Kennedy requested a hearing; it was scheduled and continued. The December 12, 2013, Summary Suspension/Notice of Opportunity for Hearing contains the following allegations or charges:

(1) Records of the Board of Pharmacy indicate that Kenneth Kennedy was originally licensed in the State of Ohio on July 17, 2012, pursuant to reciprocity, and his license to practice pharmacy in the State of Ohio was Summarily Suspended effective December 12, 2013.

(2) The continuation of Kenneth Kennedy's professional practice presents a danger of immediate and serious harm to others, to wit: Kenneth Kennedy admitted that he has an addictive personality; Kenneth Kennedy was diagnosed with bipolar disorder and recently had a six-day hospitalization to an inpatient psychiatric unit. Kenneth Kennedy's treating psychiatrist has provided the Board with a sworn statement that Kenneth Kennedy is not safe to practice pharmacy at this time. As such, the Board specifically finds that Kenneth Kennedy is currently impaired mentally to such a degree as to render him unfit to practice pharmacy under Ohio Revised Code section 4729.16(A)(3). Such conduct, indicates that Kenneth Kennedy is within the ambit of Sections 3719.121 and/or 4729.16 of the Ohio Revised Code.

Kenneth Kennedy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated December 12, 2013; 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, Kenneth Kennedy knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Kenneth Kennedy agrees to cause a Quarterly Report, attached hereto as Attachment A, to be submitted to the Board by his current treating psychiatrist and/or psychologist that provides the following information:
  - (1) That Kenneth Kennedy is compliant with his current treatment plan;
  - (2) That Kenneth Kennedy is compliant with his current medication plan;
- (B) Kenneth Kennedy agrees to submit a Quarterly Report, attached hereto as Attachment B, to the Board on his own behalf that provides the following information:
  - (1) That he is compliant with his medication regimen;
  - (2) When he refilled his prescriptions and at what pharmacy;
  - (3) What medications he is taking and on what schedule;
  - (4) Where he is currently employed and in what position;
  - (5) A description of any contact he had with law enforcement related to the protection of himself or others;
  - (6) The name and address of his current treating psychiatrist and/or psychologist;
- (C) Kenneth Kennedy agrees that the quarterly reports submitted in connection with paragraphs (A) and (B) above will be submitted on the form and in the manner prescribed by the Board with the first set of reports due to be submitted to the Board on or before October 10, 2014;
- (D) Kenneth Kennedy agrees that he will immediately notify the Board of any discharge by or change of his treating psychiatrist and/or psychologist.
- (E) Kenneth Kennedy agrees that any failure to submit, or cause to be submitted, the reports and notifications referenced in paragraphs (A)-(D) will result in the immediate summary suspension of his certificate to practice pharmacy.
- (F) Kenneth Kennedy agrees that any indication that he is not compliant with his current treatment plan or medication plan received in connection with the quarterly report described in paragraph (A) will result in the immediate summary suspension of his certificate to practice pharmacy.
- (G) If, in the judgment of the Board, Kenneth Kennedy appears to have violated or breached any terms or conditions of this Agreement, the Board reserves the right to, at any time, revoke probation, modify the conditions of probation, and reduce or extend the period of probation, and/or the Board may institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

(H) Kenneth Kennedy agrees that the terms of this agreement will remain in effect for a period of three (3) years from the effective date of this agreement.

Kenneth Kennedy 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.

Kenneth Kennedy 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. Kenneth Kennedy waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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**R-2015-021** Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY  
VOLUNTARY SURRENDER WITH DISCIPLINARY ACTION PENDING  
PERMANENT SURRENDER  
(Docket Number 2012-1922)

In The Matter Of:

**GARY DOUGLAS OSBORN, R.Ph.**  
40 Kennington Court  
Dallas, Texas  
(R.Ph. Number 03-2-08620)

This Settlement Agreement is entered into by and between Gary Douglas Osborn 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 Douglas Osborn 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 and the right to a formal adjudication hearing on the issues contained herein.

Gary Douglas Osborn is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against him and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Gary Douglas Osborn's license to practice pharmacy in the

State of Ohio, this Agreement is entered into on the basis of the following stipulations, admissions, and understandings:

- (A) The Ohio State Board of Pharmacy is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, refuse to grant or renew an identification card, or impose a monetary penalty on the license holder for violation of any of the enumerated grounds.
- (B) Gary Douglas Osborn neither admits nor denies the allegations pending in the Board's investigation; however, the Board has initiated and conducted an investigation pursuant to the mandate of Sections 3719.18 and 4729.25 of the Ohio Revised Code.
- (C) Gary Douglas Osborn acknowledges that he has been made aware of the investigation and has not failed to cooperate in said investigation. Gary Douglas Osborn further acknowledges that he has not been promised or given anything to indicate that the State of Ohio will not proceed with criminal charges; that criminal charges may be or may have been filed pursuant to the discretion of the appropriate prosecuting attorney and/or grand jury. The execution of this agreement does not affect, and is not affected by, any such criminal proceedings.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of the filing of formal ADMINISTRATIVE charges and/or holding a 119. hearing at this time, Gary Douglas Osborn knowingly and voluntarily **SURRENDERS PERMANENTLY TO THE STATE BOARD OF PHARMACY HIS LICENSE AND REGISTRATION TO PRACTICE PHARMACY, WITH DISCIPLINARY ACTION PENDING.** Pursuant to Rule 4729-9-01(F),

Gary Douglas Osborn may not be employed by, or work in, any facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs.

Gary Douglas Osborn 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.

Gary Douglas Osborn 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 Douglas Osborn waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

Gary Douglas Osborn must return the identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Agreement unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

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**R-2015-022** Mr. Kolezynski moved that the Board Minutes of June 9-10, 2014, be approved as amended. Ms. Huwer seconded the motion and it was approved by the Board: Aye – 6.

**2:10 p.m.** 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, to consider the employment of a public employee pursuant to Section 121.22(G)(1), and to consider the investigation of charges or complaints against a licensee or employee pursuant to Section 121.22(G)(1). The motion was seconded by Ms. Ferris and a roll-call vote was conducted by President Moné as follows: Ferris – yes; Huwer – yes; Kolezynski – yes; Marchal – yes; Mitchell – yes; and Yarosh – yes.

**3:00 p.m.** The Executive Session ended and the meeting was opened to the public.

Charissa Payer, *Assistant Attorney General*, gave a presentation to the Board regarding Ethics.

**3:54 p.m.** Mr. Moné announced that the FY2015 Board Meeting Schedule discussion would be postponed until August 2014.

Mr. Parker presented the second quarter 2014 Inspection Report for Pharmacy Counseling Services.

**4:02 p.m.** Mr. Parker provided an update on the ScriptCenter project.

**R-2015-023** Ms. Ferris moved that the Board receive Per Diem as follows:


| <b>PER DIEM</b> | <b>7/2</b> | <b>7/8</b> | <b>Total</b> |
|-----------------|------------|------------|--------------|
| Cain            | 0          | 0          | 0            |
| Ferris          | 0          | 1          | 1            |
| Huwer           | 1          | 1          | 2            |
| Kolezynski      | 0          | 1          | 1            |
| Mitchell        | 0          | 1          | 1            |
| Marchal         | 0          | 1          | 1            |
| Moné            | 0          | 1          | 1            |
| Yarosh          | 1          | 1          | 2            |

Ms. Marchal seconded the motion and it was approved by the Board: Aye – 6.

**R-2015-024** Ms. Yarosh moved that the meeting be adjourned. The motion was seconded by Ms. Huwer and approved by the Board: Aye – 6.

  
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Michael A. Moné, R.Ph., President

Date: 8-19-2014

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

Date: 8-7-14