

**Minutes of the June 1-3, 2015**  
**Meeting of the Ohio State Board of Pharmacy**

**Monday, June 1, 2015**

**10:00 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, *Vice President*; Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph. and Fred M. Weaver, R.Ph.

Also present were Steven Schierholt, *Executive Director*; Kevin Mitchell, *Assistant Executive Director*; Eric Griffin, *Compliance and Enforcement Supervisor*; Nicole Dehner, *Chief Legal Counsel*; David Ingram, *Associate Legal Counsel*.

**10:01 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 Moné as follows: Cain – yes; Ferris – yes; Huwer – yes; Kolezynski – yes; Weaver – yes; and Yarosh – yes;

**10:29 a.m.** The meeting reconvened in Room South B&C.

The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Bethany Jones, Intern**, Blanchester, Ohio.

**11:30 a.m.** The Board recessed briefly.

**11:33 a.m.** The meeting reconvened in Room South B&C.

**11:51 a.m.** The hearing ended and the record was closed.

Ms. Ferris 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 Mr. Kolezynski and

a roll-call vote was conducted by President Moné as follows: Cain – yes; Ferris – yes; Huwer – yes; Kolezynski – yes; Weaver – yes; and Yarosh – yes;

**12:14 p.m.**      The recess ended and the hearing was opened to the public.

**R-2015-330**      After votes were taken in public session, the Board adopted the following order in the matter of **Bethany Jones, Intern**, Blanchester, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

(Case Number 2013-1383)

In The Matter Of:

**Bethany Jones, Intern/R.Ph.**

417 South Wright Street

Blanchester, Ohio 45107

Intern No. 06-008808

RPh No. 03-3-32873

**INTRODUCTION**

The Matter of Bethany Jones came for hearing on June 1, 2015, before the following members of the Board: Michael A. Moné, R.Ph. (presiding); Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Fred Weaver, R.Ph. and Kilee S. Yarosh, R.Ph.

Megan E. Marchal, R.Ph., Absent.

Bethany Jones was represented by Christopher Connor. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

**State's Witnesses:**

None

**Respondent's Witnesses:**

1. Bethany Jones, Respondent
2. Melissa Wages, Partner
3. Penny Coons, PRO Advocate

**State's Exhibits:**

1. Request for Reinstatement
- 1A-D. Procedurals

12-03-2014

2.      Order of the State Board of Pharmacy,      01-09-2014  
          *In the Matter of Bethany Jones*

Respondent's Exhibits:

- A.      PRO Contract      01-23-2014  
B.      Letter of Jarrod Grossman      05-19-2015  
C.      Urine Screens      Various  
D.      Meeting Attendance Sheets      Various  
E.      Meeting Attendance Calendar      Various  
F.      Entry of Dismissal, Clermont Co. Court      01-06-2015  
G.      Aftercare Report      05-19-2015  
H.      Letters of Support      Various  
I.      NAPLEX & MPJE Test Scores      07-12-2013

DECISION OF THE BOARD

After having heard the testimony, observed the demeanor of the witness, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Bethany Jones has substantially complied with the terms set forth in the Board Order of the Ohio State Board of Pharmacy, Case No. 2013-1383, dated January 9, 2014.

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 lifts the suspension and approves the reinstatement of the pharmacist intern identification card, No. 06-008808, held by Bethany Jones to practice pharmacy as an intern in Ohio. The Board finds that Bethany Jones completed and passed the NAPLEX and MPJE as required by Ohio law as well as fulfilled all other Ohio pharmacist licensure requirements. **The pharmacist application submitted by Bethany Jones dated and signed April 19, 2015 is hereby approved** and as a result of continuing jurisdiction related to Case No. 2013-1383, is subject to a period of probation for five years beginning on the effective date of this Order, with the following conditions:

(A) Bethany Jones must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Mental Health and Addiction Services (ODMHAS) approved treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and submit a copy of the signed contract to the Board office before her pharmacist identification card is issued. The contract must provide that:

(1) **Random, observed** urine drug screens shall be conducted at least once each month for the first year and then at least once every three months for the remaining four years.

(a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.

(b) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification.

(c) Results of all drug and alcohol 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, on three separate days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(4) Bethany Jones must attend Cornerstone's aftercare program every Wednesday, except the second Wednesday of each month. On the second Wednesday of each month, Bethany Jones will attend her current PRO meeting in Cincinnati in place of Cornerstone's aftercare.

(5) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

(B) Bethany Jones 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 Bethany Jones' progress towards recovery and what Bethany Jones 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 Bethany Jones' 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) Bethany Jones may not serve as a responsible pharmacist.
  - (3) Bethany Jones may not destroy, assist in, or witness the destruction of controlled substances.
  - (4) Bethany Jones may not work more than 40 hours per week or more than 80 hours every two weeks.
  - (5) Bethany Jones must, during the first six months of practice, work only with a pharmacist whose license is in good standing.
  - (6) Bethany Jones must abide by the contract with her treatment provider and must immediately report any violation of the contract to the Board.
  - (7) Bethany Jones must not violate the drug laws of Ohio, any other state, or the federal government.
  - (8) Bethany Jones must abide by the rules of the State Board of Pharmacy.
  - (9) Bethany Jones must comply with the terms of this Order.
  - (10) Bethany Jones's license is deemed not in good standing until successful completion of the probationary period.
- (D) Bethany Jones must reappear before the Board if she seeks employment as a pharmacist at any facility other than her current position with Cincinnati Children's Drug and Information Center.

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.

Bethany Jones 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.

**Ms. Yarosh** moved for Action of the Board; **Mr. Cain** seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

---

**12:15 p.m.**      The Board recessed for lunch.

**1:17 p.m.**      The meeting reconvened in Room South B&C.

Mr. Mitchell provided the Licensing update.

**R-2015-331**      The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Adam Lawrence Wade, R.Ph.** (03-2-30320) Mansfield, Ohio, be the responsible person for the following pharmacies:

Avita Ontario Hospital (hospital), Mansfield (02-2469600)

Avita Ontario (retail), Mansfield (02-2469550)

After discussion, Mr. Kolezynski moved that the Board approve the specific request for a period of six months. The motion was seconded by Ms. Yarosh and approved by the Board: Aye – 6.

**R-2015-332**      The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A) (1) requesting that **Chad A. Wallace, R.Ph.** (03-1-24526) Scott Depot, West Virginia, be the responsible person for the following pharmacies:

CustomScript Pharmacy (non-resident), Hurricane, WV (02-2370500)

CustomScript Infusion (non-resident), Hurrigan, WV (02-2451750)

After discussion, Ms. Ferris moved that the Board approve the specific request for a period of six months. The motion was seconded by Ms. Huwer and approved by the Board: Aye – 6.

**1:30 p.m.**      Mr. Griffin provided the Compliance and Enforcement update.

Ms. Payer provided the AG report.

Ms. Dehner provided the Legal report.

Mr. Schierholt provided the Executive Director report.

**R-2015-333**      The Board received an application for the Continuing Education Provider Status of **Nancy Rampe, R.Ph.** (03-1-22255) Kalida, Ohio. Ms. Ferris moved that the Continuing Education Provider Status be approved. The motion was seconded by Mr. Cain and approved by the Board: Aye – 6.

**1:41 p.m.**      **Donald Carroll**, *Cleveland Clinic*, gave a presentation to the Board regarding ScriptCenter.

**2:00 p.m.**      **Joe Dsilva**, *Patients and Consumers' Pharma*, gave a presentation to the Board regarding the INSTA Compounding System.

**2:21 p.m.**      The Board recessed briefly.

**2:38 p.m.**      The meeting reconvened in Room South B&C.

**2:41 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 Mr. Cain and a roll-call vote was conducted by President Moné as follows: Cain – yes; Ferris – yes; Huwer – yes; Kolezynski – yes; Weaver – yes; and Yarosh – yes;

**4:15 p.m.**      The meeting reconvened in Room South B&C.

The Board recessed for the day.

**Tuesday, June 2, 2015**

**8:33 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, *Vice President*; Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph. and Fred M. Weaver, R.Ph.

**9:00 a.m.**      Mr. Garner provided the OARRS report.

**9:11 a.m.**      Mr. McNamee provided the Legislative report.

**9:24 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 Mr. Cain and a roll-call vote was conducted by President Moné as follows: Cain – yes; Ferris – yes; Huwer – yes; Kolezynski – yes; Weaver – yes; and Yarosh – yes;

**9:45 a.m.**      The meeting reconvened in Room South B&C.

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 **Bryan Burkholder, R.Ph.**, Lima, Ohio.

**10:48 a.m.**      The hearing ended and the record was closed.

Ms. Yarosh moved that the Board recess in order to consider the quasi-judicial matters 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. Ferris and a roll-call vote was conducted by President Moné as follows: Cain – yes; Kolezynski –yes; Marchal – yes; Weaver – yes and Yarosh – yes.

**11:19 a.m.**      The recess ended and the hearing was opened to the public.

**R-2015-334**      After votes were taken in public session, the Board adopted the following order in the matter of **Bryan Burkholder, R.Ph.**, Lima, Ohio.

**ORDER OF THE STATE BOARD OF PHARMACY**

(Case Number 2014-1652)

In The Matter Of:

**Bryan Burkholder, R.Ph.**

2724 Lowell Avenue

Lima, Ohio 45805

(R.Ph. No. 03-3-14593)

**INTRODUCTION**

The Matter of Bryan Burkholder came for hearing on June 2, 2015, before the following members of the Board: Michael A. Moné, R.Ph. (presiding); Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Fred Weaver, R.Ph. and Kilee S. Yarosh, R.Ph.

Megan E. Marchal, R.Ph., Absent.

Bryan Burkholder was represented by William Kluge. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. James Lionetti, R.Ph., Responsible Person at Franklin Medical Center
2. Chandra Galante, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses:

1. Bryan Burkholder, R.Ph., Respondent

State's Exhibits:

- |  |            |
|--|------------|
| 1. Notice of Opportunity for Hearing                       | 11-14-2014 |
| 1A-E. Procedurals  |            |
| 2. Statement of James Lionetti, R.Ph.                      | 07-07-2014 |
| 3. Statement of Justin Moore                               | 07-07-2014 |
| 4. Statement of Bryan Burkholder, R.Ph.                    | 07-07-2014 |
| 5. Dangerous Drugs Inspection Report w/Pink Sheet Response | 07-07-2014 |

Respondent's Exhibits:

None

FINDINGS OF FACT

The State of Ohio and respondent, by and through counsel, stipulate to the following Findings of Fact, which are accepted and adopted by the Board:

(1) Records of the State Board of Pharmacy indicate that Bryan Burkholder was originally licensed in the State of Ohio on April 26, 1982, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.

(2) Bryan Burkholder did, on July 7, 2014, admit to permitting pharmacy business to be conducted by an unlicensed person in violation of Section 4729.27 of the Ohio Revised Code, to wit: he admitted to an Ohio State Board of Pharmacy Specialist that on three or four occasions in the past three years he permitted a technician to dispense IV medications to patients without the final product verification of a pharmacist.

(3) Bryan Burkholder did, on July 7, 2014, admit to not being in full an actual charge of the area where the practice of pharmacy was occurring on multiple occasions, to wit: he admitted to an Ohio State Board of Pharmacy Specialist that on three or four occasions in the past three years he permitted a technician to dispense IV medications to patients without the final product verification of a pharmacist. He did not provide "personal supervision" or "direct supervision" in the pharmacy area where the practice of pharmacy was occurring in order to provide personal review and approval of all professional activities.

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 \$1000 on Bryan Burkholder and payment in full is due no later than thirty days from the effective date 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, 17<sup>th</sup> Floor, Columbus, Ohio 43215-6126.

Bryan Burkholder must obtain, within 90 days from the effective date of this Order, 3 hours of approved continuing pharmacy education (0.3 CEUs) in medication errors, which may not also be used for license renewal.

Bryan Burkholder must, within 6 months from the effective date of this Order, attend a reciprocity review session conducted by the Board.

Ms. Ferris moved for Action of the Board; Mr. Cain seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

---

**11:22 a.m.** The Board was joined by Assistant Attorney General Charissa Payer to create a record in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **William Finnegan, R.Ph.**, Westerville, Ohio.

**11:53 a.m.** The hearing ended and the record was closed.

Ms. Huwer moved that the Board recess in order to consider the quasi-judicial matters 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. Ferris and a roll-call vote was conducted by President Moné as follows: Cain – yes; Kolezynski –yes; Marchal – yes; Weaver – yes and Yarosh – yes.

**12:00 p.m.** The recess ended and the hearing was opened to the public.

**R-2015-335** After votes were taken in public session, the Board adopted the following order in the matter of **William Finnegan, R.Ph.**, Westerville, Ohio.

**ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

(Case Number 2013-1903)

In The Matter Of:

**William M. Finnegan, R.Ph.**

3620 Karikal Drive  
Westerville, Ohio 43081  
(R.Ph. No. 03-3-28967)

**INTRODUCTION**

The Matter of William Finnegan came for consideration on June 2, 2015, before the following members of the Board: Michael A. Moné, R.Ph. (presiding); Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Fred Weaver, R.Ph. and Kilee S. Yarosh, R.Ph.

Megan E. Marchal, R.Ph., Absent.

William Finnegan was not present nor represented by Counsel, despite receiving personal service on April 14, 2015 of the rescheduled hearing date and time. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

**State's Witnesses:**

1. Kevin Flaharty, Ohio State Board of Pharmacy

**Respondent's Witnesses:**

None

**State's Exhibits:**

1. Notice of Opportunity for Hearing 03-27-2014
- 1A-G. Procedurals
2. RX#4609619 for hydrocodone/acetaminophen 10/35 #90 w/5 refills 10-15-2013
- 2A. Kroger Patient Dispensing Report for William Finnegan 05-21-2015
3. Statement of Eric Serrano, M.D. 11-07-2013
4. Statement of William Finnegan 11-07-2013

State's Aggravating Exhibits:

5. Certified Copy of *State of Ohio v. William Finnegan*, 01-10-2014  
Case No. 14CR-1628

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 of Ohio Board of Pharmacy (Board) finds the following to be fact:

(1) Records of the Board indicate that William Finnegan was originally licensed in the State of Ohio on July 22, 2008, pursuant to examination, and was licensed to practice pharmacy in the State of Ohio through September 15, 2015 at which time the Board received no application for renewal.

(2) William Finnegan did, on or about October 15, 2013, knowingly alter a prescription for a schedule III controlled substance, to wit: when he received RX #4609619 for #90 Lortab 10/325 mg. tablets, a schedule III controlled substance, which was for his own personal use, he altered the prescription by adding five refills to it without the permission of an authorized prescriber. Further, William Finnegan then presented the altered prescription to Kroger Pharmacy #920 to be filled for his own personal use. William Finnegan had an active license with the Board at the time this activity occurred.

(3) William Finnegan did, on or about October 15, 2013, knowing that he had no privilege to do so, and with the purpose to defraud, alter a prescription for a controlled substance, to wit: when he received RX #4609619 for #90 Lortab 10/325 mg. tablets, a schedule III controlled substance, which was for his own personal use, the prescription had no refills. William Finnegan altered the prescription by adding five refills to it without the permission of an authorized prescriber, and then presented the altered prescription to Kroger Pharmacy #920 to be filled for his own personal use. William Finnegan had an active license with the Board at the time this activity occurred.

CONCLUSIONS OF LAW

(1) The Board concludes that paragraphs (2) and (3) of the Findings of Fact constitutes being guilty of a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.

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

(3) Further, as a result of the evidence and testimony presented, the Board concludes that paragraphs (2) and (3) of the Findings of Fact constitute being guilty of willfully violating, provisions of Chapter 2925. and/or 3719. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and pursuant to Section 4729-9-01(E) of the Ohio Administrative Code, and after consideration of the record as a whole, the State Board of Pharmacy adjudicates the matter of William Finnegan as follows:

(1) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law, the Board hereby revokes permanently the pharmacist identification card, No. 03-3-28967, held by William Finnegan effective as of the date of the mailing of this Order.

(2) On the basis of the Findings of Fact and paragraph (2) of the Conclusions of Law, the Board hereby revokes permanently the pharmacist identification card, No. 03-3-28967, held by William Finnegan effective as of the date of the mailing of this Order.

(3) On the basis of the Findings of Fact and paragraph (3) of the Conclusions of Law, the Board hereby revokes permanently the pharmacist identification card, No. 03-3-28967, held by William Finnegan effective as of the date of the mailing of this Order.

William Finnegan, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his license to practice (pocket ID card) and registration (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Ms. Ferris moved for Findings of Fact; Mr. Kolezynski seconded the motion. Motion passed (Aye-6/Nay-0).

Ms. Huwer moved for Conclusions of Law; Mr. Weaver seconded the motion. Motion passed (Aye-6/Nay-0).

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

SO ORDERED.

---

**12:00 p.m.** The Board recessed for lunch.

**1:30 p.m.** The Board convened in Room South A, 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*:

Farhan Mohamud Abdi	Kansas
Stephanie Marie Abel	South Carolina
Jennifer Lee Beeson	Virginia
Najum Choudhry	Florida
Shane Alden Cobb	Kansas
Andrew Joseph Davis	Illinois
William Alan Dudley	Tennessee
Robert Dunbar	Kentucky
Ghada M. El-Bolkiny	Indiana
Reid Gadziala	Virginia
Vicki Garner	Texas
Jessica Gayta	Michigan
Felix Gyamfi	Kansas
Eve Grace Hackett-Garr	Colorado
Tsigereda Kelati	District of Columbia
Yi-Cheng Lin	Minnesota
Katherine Marie Lurk	Missouri
Steven J. Matschikowski	Michigan
Lenora D. Miller	Maine
Christopher Kyong-Dae Min	Illinois
Alex S. Nolan	Kentucky
Amy Fowler Painvin	North Carolina
Robert Plitnick	Pennsylvania
Pavel Prusakov	Indiana
Robert Kevin Smith	North Carolina
Jacqueline M. Sweeting	Florida
Christine L. Trushel	Pennsylvania
Ashley Laurel Underwood	Connecticut
Megan K. Zielke	Pennsylvania

**1:52 p.m.** The meeting reconvened in Room South B&C.

**R-2015-336** Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

**IN THE MATTER OF:  
CASE NO. 2014-1261**

**Charles Brooks**  
Pharmacist License No. **03-3-14169**  
977 Pike Drive  
Mansfield, Ohio 44903

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

This Settlement Agreement (Agreement) is entered into by the Ohio State Board of Pharmacy (OSBP) and Charles Brooks, for the purpose of resolving all issues between the parties relating to the OSBP investigation of the misbranding of a drug. Together, OSBP and Charles Brooks are referred to hereinafter as “the parties.”

**JURISDICTION**

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Charles Brooks is a licensed pharmacist under license number 03-3-14169.

**FACTS**

1. On or about March 10, 2014, the OSBP initiated an investigation of Charles Brooks, pharmacist license number 03-3-14169, related to Charles Brooks misbranding a drug.
2. On or about November 19, 2014, the OSBP sent a Notice of Opportunity for Hearing to Charles Brooks, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
3. On or about December 11, 2014, Charles Brooks timely requested an administrative hearing, which was subsequently scheduled for April 8, 2015.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

**TERMS**

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.

2. Charles Brooks neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated November 19, 2014; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. Charles Brooks agrees to pay to the OSBP the amount of \$1,000.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the OSBP, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
4. Charles Brooks must obtain, within 90 days 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.
5. Charles Brooks agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Charles Brooks understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Charles Brooks agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

---

**R-2015-337** Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

**IN THE MATTER OF:  
CASE NO. 2014-1818 & 2011-1386**

**Phillip Mark Neiman  
Pharmacist License No. 03-1-11107**

6107 Wingstem  
Westerville, Ohio 43082

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

This Settlement Agreement (Agreement) is entered into by the Ohio State Board of Pharmacy (Board) and Phillip Nieman, for the purpose of resolving all issues between the parties relating to the Board investigation of Phillip Nieman's failure to renew his pharmacist license. Together, the Board and Phillip Nieman are referred to hereinafter as "the parties."

**JURISDICTION**

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in intern in the state of Ohio.
2. Phillip Nieman is a licensed pharmacist under license number 03-1-11107.

**FACTS**

1. On or about July 4, 2014, the Board initiated an investigation of Phillip Nieman, pharmacy license number 03-1-11107, related to Phillip Nieman's failure to renew his pharmacist license.
2. Previously, on October 9, 2013, Phillip Nieman reappeared before the Board regarding case number 2011-1386 in which the Board had taken disciplinary action against Nieman's license, 03-1-11107. At that time, the Board reinstated the pharmacist license of Phillip Nieman, placing his license on probation for a period of 10 years, provided Nieman comply with certain terms and conditions. See attached Board Order, exhibit 1. The Board received regular updates and progress reports from the Ohio Department of Mental Health and Addiction Services Provider during the term of Nieman's probation.
3. On or about July 4, 2014, the Board received a letter from Phillip Nieman requesting to retire as a pharmacist effective July 4, 2014. Attached, exhibit 2.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

**TERMS**

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above and attachments labeled as Exhibit 1 and Exhibit 2 are incorporated in this Settlement Agreement as though fully set forth herein.
  2. **PHILLIP NEIMAN PERMANENTLY AND VOLUNTARILY SURRENDERS TO THE STATE BOARD OF PHARMACY HER LICENSE AND REGISTRATION TO PRACTICE PHARMACY, LICENSE NO. 03-1-11107, WITH DISCIPLINARY ACTION PENDING.**
  3. **This Agreement in its entirety including attachments and exhibits supersedes the Board's Order that became effective November 5, 2013, attached hereto as Exhibit 1. Phillip Neiman is hereby relieved from completing the terms and conditions as outlined therein and understands that his license will be permanently surrendered and Neiman will no longer be on probation with the Board.**
  4. **Phillip Neiman agrees to not reapply for licensure in Ohio as a pharmacist.**
  5. Phillip Neiman, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his license to practice (pocket ID card) and registration (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.
  6. Phillip Neiman agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
  7. Phillip Neiman understands that he has the right to be represented by counsel for review and execution of this agreement.
  8. Phillip Neiman agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license or attempts to obtain a license.
  9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
  10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
  11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
-

**R-2015-338** Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

**IN THE MATTER OF:  
CASE NO. 2013-1865**

**Laurie Palmer**  
Pharmacist License No. **03-3-14361**  
2836 Elm Avenue  
Bexley, Ohio 43209

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

This Settlement Agreement (Agreement) is entered into by the Ohio State Board of Pharmacy (Board) and Laurie Palmer, for the purpose of resolving all issues between the parties relating to the Board investigation of Laurie Palmer’s addiction or abuse of drugs and/or alcohol. Together, the Board and Laurie Palmer are referred to hereinafter as “the parties.”

**JURISDICTION**

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the BOARD has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in intern in the state of Ohio.
2. Laurie Palmer is a licensed pharmacist under license number 03-3-14361.

**FACTS**

1. On or about October 7, 2013, the Board initiated an investigation of Laurie Palmer, pharmacy license number 03-3-14361, related to Laurie Palmer’s addiction or abuse of drugs and/or alcohol.
2. On or about July 2, 2014, the Board sent a Notice of Opportunity for Hearing to Laurie Palmer, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. On or about July 29, 2014, Laurie Palmer timely requested an administrative hearing, which was subsequently held on February 3, 2015. Ms. Palmer was represented by Sam Shamansky during the proceedings.
4. Upon conclusion of the Board hearing, the Board issued an Order with an effective date of March 6, 2015, setting forth the Board’s Findings of Fact, Conclusions of Law, and Decision, which included an indefinite suspension of Ms. Palmer’s license and

ability to petition for reinstatement upon completion of certain conditions. (See Exhibit 1, attached).

5. Subsequent to the Board's Order being mailed, Board staff received a phone call from Ms. Palmer indicating she wished to surrender her license. Ms. Palmer was instructed to provide her request to surrender her license in writing to the Board's attention. Ms. Palmer sent a letter dated April 2, 2015 expressly stating she wished to surrender her license to practice pharmacy. (See Exhibit 2, attached).

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

### TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above and attachments labeled as Exhibit 1 and Exhibit 2 are incorporated in this Settlement Agreement as though fully set forth herein.
2. **LAURIE PALMER PERMANENTLY AND VOLUNTARILY SURRENDERS TO THE STATE BOARD OF PHARMACY HER LICENSE AND REGISTRATION TO PRACTICE PHARMACY, LICENSE NO. 03-3-14361, WITH DISCIPLINARY ACTION PENDING.**
3. **This Agreement in its entirety including attachments and exhibits supersedes the Board's Order that became effective March 6, 2015, attached hereto as Exhibit 1. Laurie Palmer is hereby relieved from completing the terms and conditions as outlined therein and understands that her license will be permanently surrendered rather than indefinitely suspended.**
4. **Laurie Palmer agrees to not reapply for licensure in Ohio as a pharmacist.**
5. Laurie Palmer agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Laurie Palmer understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Laurie Palmer agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license or attempts to obtain a license.

8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

---

**R-2015-339** Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

**IN THE MATTER OF:  
CASE NOs. 2013-1633/2014-1461**

**PrescriptionGiant.com  
c/o Tyrone Squires  
TDDD License No. 02-1957250  
2620 Centennial Road, Suite G  
Toledo, Ohio 43617**

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

This Settlement Agreement (Agreement) is entered into by the Ohio State Board of Pharmacy (OSBP) and PrescriptionGiant.Com, for the purpose of resolving all issues between the parties relating to the OSBP investigation of the failure to maintain supervision and control over the possession and custody of dangerous drugs. Together, OSBP and PrescriptionGiant.Com are referred to hereinafter as “the parties.”

**JURISDICTION**

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.55 of the Ohio Revised Code to practice pharmacy the state of Ohio.

2. PrescriptionGiant.Com is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1957250.

**FACTS**

1. On or about July 16, 2013, the OSBP initiated an investigation of PrescriptionGiant.Com, Terminal Distributor of Dangerous Drugs license number 02-1957250, related to PrescriptionGiant.Com's failure to maintain supervision and control over the possession and custody of dangerous drugs.
2. On or about June 5, 2014, the OSBP sent a Notice of Opportunity for Hearing to PrescriptionGiant.Com, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about January 21, 2015, PrescriptionGiant.Com requested an administrative hearing, which was subsequently scheduled for June 2, 2015.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

### TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. PrescriptionGiant.Com neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated June 5, 2014; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. **PRESCRIPTIONGIANT.COM KNOWINGLY AND VOLUNTARILY SURRENDERS PERMANENTLY TO THE OHIO STATE BOARD OF PHARMACY ITS LICENSE AND REGISTRATION TO SELL, DELIVER OR DISTRIBUTE DANGEROUS DRUGS, WITH DISCIPLINARY ACTION PENDING.**
4. PrescriptionGiant.Com and Tyrone Squires agree that no owner of PrescriptionGiant.Com shall ever reapply for Terminal Distributor of Dangerous Drugs License in the state of Ohio.
5. PrescriptionGiant.Com and Tyrone Squires agree and acknowledge that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which they currently hold a professional license, including the OSBP on renewal applications or applications for a new license.
6. PrescriptionGiant.Com agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

7. PrescriptionGiant.Com understands that it has the right to be represented by counsel for review and execution of this agreement.
  8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom PrescriptionGiant.Com will operate.
  9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
  10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
  11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
- 

**R-2015-340**

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

**IN THE MATTER OF:  
Case No. 2012-1836**

**Mercy Hospital  
c/o Jason Douglas Niemann, R.Ph.  
TDDD License No. 02-039000  
3000 Mack Road  
Fairfield, Ohio 45014**

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

This Settlement Agreement is entered into by and between Mercy Hospital 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.

Mercy Hospital 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. Mercy Hospital 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, Mercy Hospital is a licensed terminal distributor of dangerous drugs in the State of Ohio.

WHEREAS, on or about January 24, 2014, pursuant to Chapter 119. of the Ohio Revised Code, Mercy Hospital 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 January 24, 2014, Notice of Opportunity for Hearing contains the following allegations or charges:

(1) Records of the Board of Pharmacy indicate that Mercy Hospital 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, Jason Douglas Niemann, R.Ph. 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) Mercy Hospital did, on or about November 26, 2012, fail to report to the Ohio State Board of Pharmacy immediately upon the discovery, a felony theft of controlled substances, to wit: the hospital pharmacy department and Human Resources conducted a full investigation including interviewing Charles Edward Bedel, R.Ph., drug testing him, and suspending him. Mr. Bedel denied theft of drugs when interviewed by Mercy Hospital-Fairfield. Such conduct is in violation of Section 2921.22 of the Ohio Revised Code, and constitutes a violation of Rule 4729-9-15(A) of the Ohio Administrative Code, and constitutes violating a rule of the Board within the meaning of Section 4729.57 of the Ohio Revised Code.

Mercy Hospital neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 24, 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, Mercy Hospital knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(A) Mercy Hospital agrees to the imposition of a monetary penalty of two hundred and fifty dollars (\$250.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320.

(B) Mercy Hospital shall notify the Ohio State Board of Pharmacy of the theft or significant loss of any dangerous drug or controlled substance by telephone or e-mail

immediately upon discovery of the theft or significant loss as required by the Ohio Administrative Code Rule 4729-9-15. The Ohio State Board of Pharmacy and Mercy Hospital agree to cooperate with one another during the Board's duty to investigate violations of Ohio drug laws, excluding life threatening situations. Mercy Hospital agrees that all information pertaining to felonious drug activity shall be shared with the Ohio State Board of Pharmacy prior to conducting any internal investigation. Communications involving investigative information are expected to be a mutual process, unless deemed by the Ohio State Board of Pharmacy, under its law enforcement authority, to adversely impact the integrity of the investigation.

Mercy Hospital 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.

Mercy Hospital 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. Mercy Hospital waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

---

**R-2015-341** Mr. Moné announced the following Settlement Agreement has been signed by all parties and is now effective.

**IN THE MATTER OF:  
CASE NO. 2013-2068**

**Precision Pharmacy  
c/o Shauna Marie Lopes, R.Ph.  
TDDD License No. 02-1705700  
5301 Young Street  
Bakersfield, CA 93311**

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

This Settlement Agreement ("Agreement") is entered into by the Ohio State Board of Pharmacy ("OSBP") and Precision Pharmacy, for the purpose of resolving all issues between the parties relating to the OSBP investigation of making a false statement in order to secure the issuance of a license or registration. Together, OSBP and Precision Pharmacy are referred to hereinafter as "the parties."

**JURISDICTION**

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.55 of the Ohio Revised Code to practice pharmacy the state of Ohio.
2. Precision Pharmacy is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1705700.

### FACTS

1. On or about December 11, 2013, the OSBP initiated an investigation of Precision Pharmacy, Terminal Distributor of Dangerous Drugs license number 02-1705700, related to Precision Pharmacy's false statement in order to secure the issuance of a license or registration.
2. On or about February 5, 2015, the OSBP sent a Notice of Opportunity for Hearing to Precision Pharmacy, which outlined the allegations and provided notice of a right to a hearing, rights in such hearing, and right to submit contentions in writing.
3. On or about March 19, 2015, Precision Pharmacy timely requested an administrative hearing, which was subsequently scheduled for September 1, 2015.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

### TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Precision Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated February 5, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.

Precision Pharmacy agrees its Terminal Distributor of Dangerous Drugs License will be placed on probation, for a term to run concurrently with Precision Pharmacy's three-year probation in California, which began on February 11, 2014. Precision Pharmacy agrees that if California terminates probation prior to the three-years originally ordered, Precision Pharmacy's probation in Ohio will remain in effect for the remainder of three-year probationary period. In no event shall Precision Pharmacy's Ohio probation end prior to February 11, 2017.

3. Precision Pharmacy agrees as part of its probation in Ohio, Precision Pharmacy will provide the OSBP with copies of its quarterly inspections, conducted by the California Board of Pharmacy.
4. Precision Pharmacy agrees to provide a statement from its Compliance Officer, attesting to her understanding Rule 4729-9-25(A)(1)(B) of Ohio Administrative Code regarding drugs compounded for direct administration by a prescriber, and it will provide documentation supporting Precision Pharmacy's current compliance with such Rule.
5. Precision Pharmacy agrees to provide a statement from its Compliance Officer, attesting to her understanding Rule 4729-5-10 of the Ohio Administrative Code pertaining to prescription pick-up stations, and it will provide documentation supporting Precision's current compliance with such rule.
6. Precision Pharmacy agrees to pay to the OSBP the amount of \$5,000.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the OSBP, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
7. Precision Pharmacy and Shauna Marie Lopes agree and acknowledge that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which they currently hold a professional license, including the OSBP on renewal applications or applications for a new license.
8. Precision Pharmacy agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Precision Pharmacy of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Precision Pharmacy by the OSBP and will NOT discharge Precision Pharmacy from any obligation under the terms of this Agreement.
9. Precision Pharmacy agrees to pay all reasonable costs associated with the collection of any payment and of the prosecution of any violation of this Agreement.
10. Precision Pharmacy understands that it has the right to be represented by counsel for review and execution of this agreement.

11. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Precision Pharmacy will operate.

12. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

13. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

14. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

---

### ELECTION OF OFFICERS FOR FISCAL YEAR 2016

**R-2015-342** Mr. Cain moved that **Melinda J. Ferris**, R.Ph. be named Vice-President of the Board of Pharmacy for fiscal year 2016. Mr. Kolesynski seconded by the motion and it was approved by the Board: Aye – 5; Abstain – Ferris.

**R-2015-343** Mr. Kolezynski moved that **Kilee S. Yarosh**, R.Ph. be named President of the Board of Pharmacy for fiscal year 2016. Ms. Huwer seconded the motion and it was approved by the Board: Aye – 5; Abstain – Yarosh.

**3:20 p.m.** The Board recessed for the day.

### Wednesday, May 6, 2015

**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, *Vice President*; Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph. and Fred M. Weaver, R.Ph.

Mr. Moné presented the following plaque to outgoing Board Member, Richard F. Kolezynski:

WHEREAS, Richard F. Kolezynski has served his profession and the citizens of Ohio with distinction as a member of the State Board of Pharmacy for eight years

following his appointment by Governor Ted Strickland in 2007; and

WHEREAS, during his commendable term in this appointment, Mr. Kolezynski maintained the highest standards of his respected profession and demonstrated the admirable traits of integrity, intelligence, and impartiality in matters concerning the profession of pharmacy; therefore

BE IT RESOLVED that we, the Members of the State Board of Pharmacy, in its one hundred and thirty-first year, do hereby express our profound appreciation to Richard F. Kolezynski for his service and recognize him as one of Ohio's most distinguished pharmacist-citizens.

**9:03 a.m.**      President Moné administered the Oath of Office to Vice-President-elect Melinda Ferris.

**OATH OF THE VICE-PRESIDENT**

I, Melinda J. Ferris, as Vice-President of the Ohio State Board of Pharmacy, do solemnly swear to uphold the Constitution of the United States and the state of Ohio; to impartially enforce the laws governing the profession of pharmacy and the legal distribution of drugs in the State of Ohio; and carry out the responsibilities of the Board as mandated by the laws of the State of Ohio without bias or prejudice, so help me God.

President Moné administered the Oath of Office to President-elect, Kilee Yarosh.

**OATH OF THE PRESIDENT**

I, Kilee S. Yarosh, as President of the Ohio State Board of Pharmacy, do solemnly swear to uphold the Constitution of the United States and the state of Ohio; to impartially enforce the laws governing the profession of pharmacy and the legal distribution of drugs in the State of Ohio; and carry out the responsibilities of the Board as mandated by the laws of the State of Ohio without bias or prejudice, so help me God.

**9:04 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 **ValuMed Pharmacy**, Sioux City, Iowa.

**10:00 a.m.**      The hearing ended and the record was closed.

Ms. Yarosh moved that the Board recess in order to consider the quasi-judicial matters 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. Huwer and a roll-call vote was conducted by President Moné as follows: Cain – yes; Kolezynski –yes; Marchal – yes; Weaver – yes and Yarosh – yes.

**10:05 a.m.**      The recess ended and the hearing was opened to the public.

**R-2015-344**      After votes were taken in public session, the Board adopted the following order in the matter of **ValuMed Pharmacy**, Sioux City, Iowa.

**ORDER OF THE STATE BOARD OF PHARMACY**

(Case Number 2014-1907)

In The Matter Of:

**ValuMed Pharmacy**  
2442 Transit Avenue  
Sioux City, IA 51106  
(Pending TDDD No. 02-2453900)

**INTRODUCTION**

The Matter of ValuMed Pharmacy came for hearing on June 3, 2015, before the following members of the Board: Michael A. Moné, R.Ph. (presiding); Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Fred Weaver, R.Ph. and Kilee S. Yarosh, R.Ph.

Megan E. Marchal, R.Ph., Absent.

ValuMed Pharmacy was represented by Joseph Durham. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

**SUMMARY OF EVIDENCE**

**State's Witnesses:**

1. Kevin Christians, Owner of ValuMed Pharmacy
2. Jim Amend, R.Ph., Ohio State Board of Pharmacy

**Respondent's Witnesses:**

None

**State's Exhibits:**

- |  |            |
|--|------------|
| 1. Notice of Opportunity for Hearing   | 01-29-2015 |
| 1A-D. Procedurals  |            |
| 2. Application for Terminal Distributor of Dangerous Drugs                             | 08-08-2014 |
| 3. Certified Copies of Kevin Christians' Discipline<br>with the Iowa Board of Pharmacy | 05-13-2015 |
| 4. Certified Copies of Tom Dean's Discipline   | 05-13-2015 |

with the Iowa Board of Pharmacy

Respondent's Exhibits:

- |    |  |            |
|----|--|------------|
| A. | Affidavit of Wendy Jackson & Current Inspection<br>Form for ValuMed Pharmacy | 02-20-2015 |
| B. | Letter of Alan Fairbanks, Bickford Senior Living                             | 02-23-2015 |
| C. | Affidavit of Thomas Dean   | 02-18-2015 |
| D. | Affidavit of Kevin Christians  | 02-20-2015 |
| E. | Attachments of Terminal Distributor of Dangerous Drugs<br>Application        | Various    |
| F. | Copy of ValuMed's Iowa Board of Pharmacy License                             | 12-03-2014 |

DECISION OF THE BOARD

Pursuant to Sections 4729.54 and 4729.55 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the Application for Registration as a Terminal Distributor of Dangerous Drugs submitted by ValuMed Pharmacy on or about August 8, 2014.

Ms. Ferris moved for Action of the Board; Mr. Kolezynski seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

---

**10:06 a.m.** The Board recessed briefly.

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

The Board was joined by Assistant Attorney General Steve Kochheiser to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Lisette Schuette, R.Ph.**, Wauseon, Ohio.

**10:25 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 Ms. Yarosh and a roll-call vote was conducted by President Moné as follows: Cain – yes; Ferris – yes; Huwer – yes; Kolezynski – yes; Weaver – yes; and Yarosh – yes;

**10:45 a.m.** The meeting reconvened in Room South B&C.

**12:07 p.m.** The hearing ended and the record was closed.

Mr. Weaver moved that the Board recess in order to consider the quasi-judicial matters 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 Moné as follows: Cain – yes; Kolezynski –yes; Marchal – yes; Weaver – yes and Yarosh – yes.

**12:32 p.m.** The recess ended and the hearing was opened to the public.

**R-2015-345** After votes were taken in public session, the Board adopted the following order in the matter of **Lisette Schuette, R.Ph.**, Wauseon, Ohio.

**ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

(Case Number 2014-1553)

In The Matter Of:

**Lisette M. Schuette, R.Ph.**

7245 County Road 13  
Wauseon, Ohio 43567  
(R.Ph. No. 03-2-21578)

**INTRODUCTION**

The Matter of Lisette Schuette came for hearing on June 3, 2015, before the following members of the State of Ohio Board of Pharmacy (Board): Michael A. Moné, R.Ph. (presiding); Edward T. Cain, Public Member; Melinda J. Ferris, R.Ph.; Margaret A. Huwer, R.Ph.; Richard F. Kolezynski, R.Ph.; Fred Weaver, R.Ph. and Kilee S. Yarosh, R.Ph.

Megan E. Marchal, R.Ph., Absent.

Lisette Schuette was represented by William Meyer. The State of Ohio was represented by Steve Kochheiser, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Lisette Schuette, R.Ph., Respondent
2. Homer Chapa, Ohio State Board of Pharmacy

Respondent's Witnesses:

1. Lisa Ramirez, R.Ph., Respondent's Sponsor

State's Exhibits:

- |       |   |            |
|-------|---|------------|
| 1.    | Summary Suspension/Notice of Opportunity for Hearing  | 05-30-2014 |
| 1A-G. | Procedurals   |            |
| 2.    | Ohio State Board of Pharmacy Settlement Agreement,<br>RE: Lisette Schuette                  | 02-09-2009 |
| 3.    | Certified Copies of Sylvania v. Lisette Schuette,<br>Case No. TRC1300655E                   | 02-11-2013 |
| 4.    | Statement of Lisette Schuette, R.Ph.  | 02-04-2014 |
| 5.    | Statement of Lisette Schuette, R.Ph.  | 05-29-2014 |
| 6.    | Certified Copies of Indiana Board of Pharmacy v. Lisette Schuette<br>Case No. 2011 IBP 0015 | 04-25-2011 |

Respondent's Exhibits:

- |    |   |            |
|----|---|------------|
| A. | Serenity Haven Discharge Summary                      | 01-12-2015 |
| B. | Urine Screens from Serenity Haven Residency           | Various    |
| C. | PRO Inc. Contract                                     | 01-26-2015 |
| D. | PRO Inc. Quarterly Self Report                        | 03-26-2015 |
| E. | PRO Inc. Advocate Quarterly Report                    | 03-31-2015 |
| F. | Outpatient Progress Notes from Dr. Benjamin Forrester | Various    |
| G. | Appearance Docket- State of Ohio v. Lisette Schuette  | 05-26-2015 |
| H. | AA Meeting Attendance Sheets                          | Various    |
| I. | CR 2015-1069 Order                                    | 03-24-2015 |
| J. | Urine Screen Report from PRO Inc.                     | 05-28-2015 |

FINDINGS OF FACT

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

- (1) Records of the Board indicate that Lisette Schuette was originally licensed in the State of Ohio on March 5, 1996, pursuant to reciprocity, and is currently licensed to practice pharmacy in the State of Ohio. Records further reflect that Lisette Schuette was previously disciplined by this Board on February 2, 2009.

(2) Lisette Schuette is addicted to or abusing drugs or alcohol and/or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy, to wit: she admitted that she is addicted to the use of controlled substances and/or alcohol and that she has been stealing hydrocodone products from the pharmacy where she worked to feed her addiction. She admitted to consuming controlled substances at her place of employment, while practicing pharmacy.

(3) Lisette Schuette did, on or around May 29, 2014, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy #N-957, beyond the express or implied consent of the owner, to wit: she was observed on video surveillance and has admitted to stealing tablets of hydrocodone/APAP 7.5/325 mg during her shift while practicing pharmacy.

(4) Lisette Schuette did, on or about May 29, 2014, knowingly possess or use a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: while in the presence of a Board of Pharmacy Agent she admitted to possession of 2 tablets of hydrocodone/APAP 5/325 mg. for which she had no legitimate prescription.

(5) Lisette Schuette did, on or between March 1, 2014 and May 29, 2014, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Kroger Pharmacy #N-957, beyond the express or implied consent of the owner, to wit: she stole various strengths of hydrocodone tablets during her shift while practicing pharmacy.

(6) On or about February 28, 2013, Lisette Schuette plead guilty to operating a vehicle while under the influence of alcohol ("OVI"), in violation of Section 4511.19(A)(1) of the Ohio Revised Code. *State of Ohio v. Lisette Schuette*, Case No., TRC1300655A, Journal Entry Sylvania Municipal Court. She gave a written statement to an Ohio State Board of Pharmacy Agent on February 4, 2014, and admitted that her arrest for OVI occurred on February 7, 2013. Lisette Schuette indicated that she had been drinking and driving, pulled into a wrong driveway on her way to a meeting, backed up and hit a mailbox, but she did not know she hit a mailbox, and she left the scene. Lisette Schuette was stopped by the police after leaving the scene, failed the field sobriety test that she was given, she was arrested and taken to the police station, her car was impounded, and her driver's license was taken away. She was found to have a blood alcohol concentration of .261. The court sentenced her to 46 days in jail with 40 days suspended, a 6-day DUI program, probation for 3 years, a 6 month driver's license suspension from the date of her arrest, she was fined \$650, ordered to attend AA twice a week for 6 months, and she was ordered to pay \$125 restitution for damage to the mailbox/pole.

(7) On or about April 25, 2011, the Indiana State Board of Pharmacy took disciplinary action against Lisette Schuette's Indiana pharmacist's license for failing to disclose that her Ohio pharmacist's license had been disciplined by the Ohio State Board

of Pharmacy, to wit: she entered into a Settlement Agreement with the Indiana State Board of Pharmacy on April 25, 2011, because she failed to disclose on her pharmacist license renewal submitted on April 26, 2010, that she had disciplinary action against her Ohio pharmacist's license. In the Matter of the Indiana Pharmacist License of Lisette M. Schuette, R.Ph., Cause Number: 2011 IBP 0015, Findings of Fact, Ultimate Finding of Fact, Conclusions of Law, and Order ("Order"), Before the Indiana Board of Pharmacy. Specifically, on or about February 2, 2009, she entered into a Settlement Agreement with the Ohio State Board of Pharmacy due to her failure to submit evidence of three (0.3) Board approved C.E.U.s of Jurisprudence. *In the Matter of Lisette M. Schuette, R.Ph.*, Docket No. D-090114-053, Settlement Agreement, Before the Ohio State Board of Pharmacy. Lisette Schuette was ordered by the Ohio State Board of Pharmacy to pay a fine of \$250 and to submit additional documentation to show compliance with Ohio's continuing education requirements prior to September 15, 2009. Because she failed to disclose the disciplinary action against her Ohio pharmacist's license on her April 2010, Indiana pharmacist's license renewal, the Indiana State Board of Pharmacy's Order fined her \$250.

#### CONCLUSIONS OF LAW

- (1) The Board concludes that paragraphs (3) through (5) of the Findings of Fact each constitute being guilty of acts constituting a felony and gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) The Board concludes that paragraphs (3) and (5) of the Findings of Fact each constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) The Board concludes that paragraphs (2) through (7) of the Findings of Fact each constitutes being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) Further, as a result of the evidence and testimony presented, the Board concludes that paragraph (4) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. or 3719. of the Ohio Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.
- (5) Finally, as a result of the evidence and testimony presented, the Board concludes that paragraphs (1) through (7) of the Findings of Fact each constitutes not being of good moral character and habits, being addicted to or abusing liquor or drugs, and paragraph (7) constitutes having been disciplined by the Ohio state board of pharmacy and any professional licensing board as provided in Rule 4729-5-04 of the Ohio Administrative Code. Such findings also each constitute having violated any rule adopted by the board, pursuant to Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Lisette Schuette on May 30, 2014.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-2-21578, held by Lisette Schuette and such suspension is effective as of the date of the mailing of this Order.

(A) Lisette Schuette, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

(B) Lisette Schuette, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her license to practice (pocket ID card) and registration (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after March 1, 2017, the Board will consider any petition filed by Lisette Schuette for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

(A) Lisette Schuette must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:

(1) Random, **observed** urine drug screens shall be conducted at least once each month.

(a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.

(b) Alcohol must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification.

(c) Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.

(2) The intervener/sponsor shall submit 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) on three separate days, 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) Lisette Schuette must demonstrate satisfactory proof to the Board that she is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.

(C) Lisette Schuette must provide, at the reinstatement petition hearing, documentation of the following:

(1) Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug and alcohol screen reports, meeting attendance records, treatment program reports, etc.);

(2) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;

(3) Compliance with the terms of this Order.

(D) If reinstatement is not accomplished within three years of the effective date of this Order, Lisette Schuette must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination approved by the Board.

(E) Any reinstatement shall not occur until such time as any criminal intervention in lieu of conviction has been successfully completed.

Mr. Weaver moved for Findings of Fact; Mr. Kolezynski seconded the motion. Motion passed (Aye-6/Nay-0).

Ms. Huwer moved for Conclusions of Law; Ms. Ferris seconded the motion. Motion passed (Aye-6/Nay-0).

Ms. Ferris moved for Action of the Board; Mr. Kolezynski seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

---

**R-2015-346**

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

**IN THE MATTER OF:  
CASE NO. 2014-2196**

**James Weyrauch, R.Ph.**  
Pharmacist License No. **03-2-15745**  
4795 Ridgebury Drive  
Kettering, Ohio 45440

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

This Settlement Agreement (Agreement) is entered into by the Ohio State Board of Pharmacy (OSBP) and James Weyrauch, for the purpose of resolving all issues between the parties relating to the OSBP investigation of an error in dispensing. Together, OSBP and James Weyrauch are referred to hereinafter as “the parties.”

**JURISDICTION**

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. James Weyrauch is a licensed pharmacist under license number 03-2-15745.

**FACTS**

1. On or about December 30, 2014, the OSBP initiated an investigation of James Weyrauch, pharmacist license number 03-2-15745, related to James Weyrauch’s error in dispensing.
2. On or about May 26, 2015, the OSBP sent a Notice of Opportunity for Hearing to James Weyrauch, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.



**R-2015-347** Mr. Kolezynski moved that the Board Minutes of May 4-6, 2015, be approved as amended. Ms. Yarosh seconded the motion and it was approved by the Board: Aye – 5/Nay– 0/Abstain– 1.

**R-2015-348** Mr. Cain moved that the Board Conference Call Minutes of May 1, 2015, be approved as written. Ms. Ferris seconded the motion and it was approved by the Board: Aye – 6.

**R-2015-349** Ms. Huwer moved that the Board Conference Call Minutes of May 26, 2015, be approved as written. Mr. Weaver seconded the motion and it was approved by the Board: Aye – 5/Nay– 0/Abstain– 1.

**12:41 p.m.** Mr. McNamee led a discussion regarding The Ohio Perinatal Quality Collaborative.

**R-2015-350** Mr. Cain moved that the Board receive Per Diem as follows:

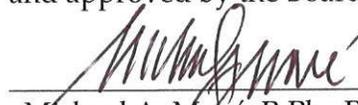
PER DIEM	5/21	6/1	6/2	6/3	Total
Cain	0	1	1	1	3
Ferris	0	1	1	1	3
Huwer	0	1	1	1	3
Kolezynski	0	1	1	1	3
Marchal	0	0	0	0	0
Moné	1	1	1	1	4
Weaver	0	1	1	1	3
Yarosh	0	1	1	1	3

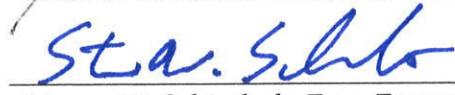
Mr. Kolezynski seconded the motion and it was approved by the Board: Aye – 6.

**12:51 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 Mr. Cain and a roll-call vote was conducted by President Moné as follows: Cain – yes; Ferris – yes; Huwer – yes; Kolezynski – yes; Weaver – yes; and Yarosh – yes;

**1:38 p.m.** The meeting reconvened in Room South B&C.

**R-2015-351**      Mr. Cain moved that the meeting be adjourned. The motion was seconded by Ms. Ferris and approved by the Board: Aye – 6.

  
\_\_\_\_\_      Date: 8 July 2015  
Michael A. Moné, R.Ph., President

  
\_\_\_\_\_      Date: 7/8/15  
Steven W. Schierholt, Esq., Executive Director