



MINUTES OF THE DECEMBER 5-6, 2016
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Monday, December 5, 2016

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:

Megan E. Marchal, RPh; *Presiding*; Joshua M. Cox, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Shawn C. Wilt, RPh and Kilee S. Yaorsh, RPh.

Also present were Steven Schierholt, *Executive Director*; David Ingram, *Associate Legal Counsel*; Chad Garner, *Director of OARRS*; Chandra Galante, *Director of Licensing*; Eric Griffin, *Director of Compliance and Enforcement*; Steven Kochheiser, *Assistant Attorney General* and Matthew Corlett, *Director of Administration*; Cameron McNamee, *Director of Policy and Communications*.

Ms. Marchal stated there was nothing new to report regarding the CPG Committee.

Ms. Rudell provided the PAPC report and stated the committee will meet again December 13, 2016.

Mr. Griffin provided the Compliance and Enforcement update, giving an overview of the 2016 Fall Field Staff meeting and a brief update on vacant compliance positions.

R-2017-166 Ms. Yarosh moved that the Board adopt the following resolution:

A Resolution for James E. Amend

WHEREAS, the administrative and investigative efforts of James E. Amend, as a Compliance Specialist with the State of Ohio Board of Pharmacy, have directly led to the successful and thoughtful enforcement of the Ohio Drug Laws; and

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

BE IT RESOLVED, that the State of Ohio Board of Pharmacy hereby commends James E. Amend for more than 10 years of exemplary service and performance to the Board and to the people of Ohio in carrying out the responsibilities of his position, and

77 South High Street, 17th Floor, Columbus, Ohio 43215



BE IT ALSO RESOLVED, that we, the members of the State of Ohio Board of Pharmacy, in its one hundredth thirty-second year, so express our profound appreciation to James E. Amend for his dedication and service to the Board and the citizens of Ohio, and

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

The motion was seconded by Mr. Wilt and approved by the Board: Aye-5.

10:05 a.m. Ms. Galante provided the Licensing update regarding class code conversions, the Terminal Distributor of Dangerous Drugs license renewal opening on January 15, 2017, and the status of e-checks.

Mr. Garner provided the OARRS/IT update.

Ms. Dehner provided the Legal report.

10:16 a.m. Mr. McNamee provided the Legislative update.

R-2017-167 Ms. Yarosh moved that the Rules packet presented by Mr. McNamee be approved for filing with JCARR. The motion was seconded by Mr. Weaver and approved by the Board: Aye-5.

R-2017-168 Ms. Yarosh moved that the Board adopt the following resolution:

Matthews Veterinary Pharmacy Board Resolution

To ensure the continued operation of Matthews Veterinary Pharmacy, the Board, hereby takes action pursuant to Section 4729.28 of the Revised Code for the following requirements for Matthews Veterinary Pharmacy, as it relates to non-controlled dangerous drugs for livestock animals:

- Rule 4729-5-13 [(A)-(3)] – Prescription Formatting
- Rule 4729-5-16 [(A)-(2)] – Labeling
- Rule 4729-5-18 – Patient Profiles
- Rule 4729-5-19 – Serial Numbering of Prescriptions
- Rule 4729-5-20 – Drug Utilization Review
- Rule 4729-5-21 – Manner of Processing
- Rule 4729-5-22 - Patient Counseling
- Rule 4729-5-30 [(B)(6), (7), (8)] – Manner of Issuance

In accordance with Section 4729.28 of the Revised Code, Specialist Predina shall issue a notice or warning to the Responsible Person for Matthews Veterinary Pharmacy for failing to comply with rules referenced in this resolution.

The motion was seconded by Ms. Rudell and approved by the Board: Aye-5.

- R-2017-169** The Board received an application for the Continuing Education Provider Status of **Teresa Ash, RPh** (03-2-25091) Cincinnati, Ohio. Mr. Weaver moved that the Continuing Education Provider Status be approved. The motion was seconded by Ms. Rudell and approved by the Board: Aye-5.
- R-2017-170** The Board received an application for the Continuing Education Provider Status of **Benjamin Mgbob, RPh** (03-2-30722) Delaware, Ohio. Mr. Cox moved that the Continuing Education Provider Status be approved. The motion was seconded by Mr. Wilt and approved by the Board: Aye-5.
- R-2017-171** The Board received an extension request for storage of records of **Rite Aid Pharmacies** pursuant to Rule 4729-9-11. Mr. Wilt moved that the Board specific request be approved. The motion was seconded by Ms. Rudell and approved by the Board: Aye-5.
- R-2017-172** The Board received an extension request for storage of records of **Wal-Mart/Sam's Club Pharmacies** pursuant to Rule 4729-9-11. Ms. Rudell moved that the Board specific request be approved. The motion was seconded by Mr. Cox and approved by the Board: Aye-5.
- R-2017-173** The Board received an extension request for storage of records of **Union Hospital** pursuant to Rule 4729-9-11. Mr. Wilt moved that the Board specific request be approved. The motion was seconded by Ms. Rudell and approved by the Board: Aye-5.
- 11:24 a.m.** Ms. Weaver moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised Code. The motion was seconded by Ms. Yarosh and a roll-call vote was conducted by Vice President Marchal as follows: Cox-yes; Rudell-yes; Weaver-yes; Wilt-yes and Yarosh-yes.
- 11:47 a.m.** Executive Session ended and the Board recessed for lunch.
- 1:02 p.m.** The meeting reconvened in Room South B&C.
- R-2017-174** The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Michael Sayegh, MD** (35.085692) Reynoldsburg, Ohio, be the Responsible Person for the following Pain Management Clinics:

Michael Sayegh, MD, LLC: Cambridge, Ohio (02-1647000)
The Pain Management Clinic, LLC: Reynoldsburg, Ohio (02-2151120)

After discussion, Ms. Yarosh moved that the Board approve the request for a period of 7 months. The motion was seconded by Mr. Wilt and approved by the Board: Aye-5.

- R-2017-175** The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Paul Alexander, RPh** (020229935) Martinsville, Virginia be the Responsible Person for the following pharmacies:

Martinsville Family Pharmacy, Inc.: Martinsville, Virginia
Family LTC Pharmacy, Inc.: Martinsville, Virginia

After discussion, Mr. Weaver moved that the Board approve the request for a period of 7 months. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-5.

R-2017-176 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Bobby Rapp, RPh** (out of state) be the Responsible Person for the following wholesale pharmacies:

ASD Specialty Healthcare, Inc.: Reno, Nevada (01-2521650)
Integrated Commercialization Solutions, Inc.: Reno, Nevada (01-2521800)

After discussion, Mr. Cox moved that the Board approve the request for a period of 7 months. The motion was seconded by Ms. Rudell and approved by the Board: Aye-5.

R-2017-177 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Jerry Schiller, Jr., RPh** (out of state) be the Responsible Person for the following wholesale pharmacies:

ASD Specialty Healthcare, Inc.: Brooks, New York (01-07474200)
Integrated Commercialization Solutions, Inc.: Reno, Nevada (01-1921650)

After discussion, Mr. Wilt moved that the Board approve the request for a period of 7 months. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-5.

R-2017-178 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Adam Runsforth, RPh** (out of state) be the Responsible Person for the following wholesale pharmacies:

Centrix Pharmaceutical, Inc.: Boca Raton, Florida (01-1563000)
Creekwood Pharmaceutical, Inc.: Boca Raton, Florida (01-1581300)
Woodfield Distribution, LLC: Boca Raton, Florida (01-2091350)

After discussion, Ms. Yarosh moved that the Board approve the request for a period of 7 months. The motion was seconded by Ms. Rudell and approved by the Board: Aye-5.

R-2017-179 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Jean Snyder, RPh** (out of state) be the Responsible Person for the following wholesale pharmacies:

Northwest Ohio Medical Equipment, LLC: Findlay, Ohio (01-1163450)
Northwest Ohio Medical Equipment, LLC: Maumee, Ohio (01-2059000)
Northwest Ohio Medical Equipment, LLC: Bowling Green, Ohio (01-1368000)
Northwest Ohio Medical Equipment, LLC: Freemont, Ohio (01-1478000)
Northwest Ohio Medical Equipment, LLC: Bellevue, Ohio (01-1984050)

After discussion, Ms. Rudell moved that the Board approve the request for a period of 7 months. The motion was seconded by Mr. Cox and approved by the Board: Aye-5.

R-2017-180

The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Jan Rooney, RPh** (out of state) be the Responsible Person for the following wholesale pharmacies:

Renaissance Lakewood, LLC: Lakewood, New Jersey (01-2477100)
Renaissance Lakewood, LLC: Lakewood, New Jersey (01-2634150)

After discussion, Ms. Yarosh moved that the Board approve the request for a period of 7 months. The motion was seconded by Mr. Wilt and approved by the Board: Aye-5.

R-2017-181

The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Jennifer Martin, RPh** (out of state) be the Responsible Person for the following wholesale pharmacies:

Ivaoes, LLC: Miami, Florida (01-2646400)
NextSource Biotechnology, LLC: Miami, Florida (01-2418000)
Amatheon, Inc.: Miami, Florida (01-2427200)

After discussion, Ms. Yarosh moved that the Board approve the request for a period of 7 months. The motion was seconded by Ms. Rudell and approved by the Board: Aye-5.

R-2017-182

The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Matthew Sargent, RPh** (out of state) be the Responsible Person for the following wholesale pharmacies:

Canton Laboratories, LLC: Alpharetta, Georgia (01-12646750)
Laser Pharmaceuticals, LLC: Greenville, South Carolina (01-240650)

After discussion, Mr. Wilt moved that the Board deny the request. The motion was seconded by Mr. Weaver and approved by the Board: Aye-5.

R-2017-183

The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Ronald Brendal, RPh** (out of state) be the Responsible Person for the following wholesale pharmacies:

Mallinckrodt ARD, Inc.: Hazelwood, Missouri (01-0965550)
Mallinckrodt, LLC: Hazelwood, Missouri (01-2555700)
Therakos, Inc.: Hazelwood, Missouri (01-2644750)

After discussion, Mr. Weaver moved that the Board table the request. The motion was seconded by Mr. Cox and approved by the Board: Aye-5.

R-2017-184 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Rosalie Williams, RPh** (out of state) be the Responsible Person for the following wholesale pharmacies:

Genesis Respiratory Services, Inc.: Athens, Ohio (01-2261850)
Genesis Respiratory Services, Inc.: Coal Grove, Ohio (01-2073350)
Genesis Respiratory Services, Inc.: Georgetown, Ohio (01-2073300)
Genesis Respiratory Services, Inc.: Hillsboro, Ohio (01-2073250)
Genesis Respiratory Services, Inc.: Jackson, Ohio (01-2073200)
Genesis Respiratory Services, Inc.: New Boston, Ohio (01-2073100)
Genesis Respiratory Services, Inc.: Waverly, Ohio (01-2073050)
Genesis Respiratory Services, Inc.: West Union, Ohio (01-2073000)

After discussion, Ms. Yarosh moved that the Board approve the request for a period of 7 months. The motion was seconded by Ms. Rudell and approved by the Board: Aye-3/Nay-2.

R-2017-185 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Robin Ivany, RPh** (out of state) be the Responsible Person for the following wholesale pharmacies:

Boardman Medical Supply: Girard, Ohio (01-0736300)
Boardman Medical Supply: Youngstown, Ohio (01-0026750)
Boardman Medical Supply: East Liverpool, Ohio (01-0736350)

After discussion, Ms. Yarosh moved that the Board approve the request for a period of 7 months. The motion was seconded by Ms. Rudell and approved by the Board: Aye-5.

R-2017-186 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **David Leuck, RPh** (out of state) be the Responsible Person for the following wholesale pharmacies:

Patheon Pharmaceuticals, Inc.: Cincinnati, Ohio (01-13521800)
Patheon Pharmaceuticals, Inc.: Cincinnati, Ohio (01-1351750)

After discussion, Ms. Yarosh moved that the Board approve the request for a period of 7 months. The motion was seconded by Ms. Rudell and approved by the Board: Aye-4/Nay-1.

R-2017-187 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Gail Paige, RPh** (out of state) be the Responsible Person for the following wholesale pharmacies:

AbbVie US, LLC: North Chicago, Illinois (01-2269350)
AbbVie US, LLC: North Chicago, Illinois (01-2498450)

After discussion, Ms. Rudell moved that the Board approve the request for a period of 7 months. The motion was seconded by Mr. Wilt and approved by the Board: Aye-5.

R-2017-188 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Paula Eichman, RPh** (out of state) be the Responsible Person for the following wholesale pharmacies:

Adare Pharmaceuticals, Inc.: Vandalia, Ohio (01-1357850)

Adare Pharmaceuticals, Inc.: Vandalia, Ohio (01-0624590)

After discussion, Ms. Yarosh moved that the Board approve the request for a period of 7 months. The motion was seconded by Mr. Wilt and approved by the Board: Aye-5.

1:35 p.m. **Adam Chesler, PharmD** gave a presentation to the Board regarding patient care through Telepharmacy.

The floor was opened for a Q&A session with Adam Chesler, PharmD, Sheri Zapadka, RPh, and Betty Jones, RPh.

2:35 p.m. The Board recessed briefly.

2:47 p.m. The meeting reconvened in Room South B&C.

Ms. Yarosh led a discussion regarding Responsible Person requests.

3:02 p.m. The Board recessed for the day.

Tuesday, December 6, 2016

9:05 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, RPh, *President*; Joshua M. Cox, RPh; Megan E. Marchal, RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Shawn C. Wilt, RPh and Kilee S. Yarosh, RPh

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

10:57 a.m. The meeting reconvened in Room South B&C.

R-2017-189 The Board received a request for an approval to Ohio Administrative Code Rule 4729-5-11 (A)(1) requesting that **Kilee Yarosh, RPh** (03-2-24884) Jefferson, Ohio be the Responsible Person for the following pharmacies:

Trumbell Memorial Hospital: Warren, Ohio (02-2080150)
Northside Medical Center: Youngstown, Ohio (02-2080200)

After discussion, Ms. Marchal moved that the Board approve the request for a period of 7 months. The motion was seconded by Mr. Wilt and approved by the Board: Aye-5/Abstain-1.

R-2017-190 Ms. Marchal moved that the Board refer MTM & Telepharmacy topics to the Rules Review Committee. The motion was seconded by Mr. Weaver and approved by the Board: Aye-6.

R-2017-191 Ms. Marchal moved that the rules packet presented by Mr. McNamee be approved as amended for filing with CSI and JCARR. The motion was seconded by Mr. Cox and approved by the Board: Aye-6.

11:05 a.m. The Board was joined by Assistant Attorney General Steven Kochheiser to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Ahmed Mohamed**, Hilliard, Ohio.

11:36 a.m. The hearing ended and the record was closed.

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

11:43 a.m. The recess ended and the hearing was opened to the public.

R-2017-192 After votes were taken in public session, the Board adopted the following order in the matter of **Ahmed Mohamed**, Hilliard, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2016-1829)

In The Matter Of:

Ahmed Mohamed, Intern

5664 Nike Drive

Hilliard, Ohio 43026

(Intern Registration No. 06-015146)

INTRODUCTION

The Matter of Ahmed Mohamed came for hearing on December 6, 2016, before the following members of the State of Ohio Board of Pharmacy (Board): Michael A. Moné, R.Ph., *Presiding*; Joshua M. Cox, R.Ph; Megan E. Marchal, R.Ph.; Jennifer M. Rudell, R.Ph.; Fred M. Weaver, R.Ph.; Shawn C. Wilt, R.Ph. and Kilee S. Yarosh, R.Ph.

Curtis L. Passafume, Jr., R.Ph.; Absent.

Ahmed Mohamed was represented by Todd Collis. The State of Ohio was represented by Steven Kochheiser, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Ahmed Mohamed—Respondent

Respondent's Witnesses:

None

State's Exhibits:

- | | |
|--|------------|
| 1. Notice of Opportunity for Hearing/Proposal to Deny Intern Application | 10-11-2016 |
| 2. Request for Hearing | 11-03-2016 |
| 3. Notice of Hearing | 11-03-2016 |
| 4. Credential View Screen | 11-15-2016 |
| 5. Application for Pharmacy Internship Registration | 06-01-2016 |
| 6. Letter to the Board | 06-27-2016 |
| 7. Judgement Entry | 10-03-2013 |
| 8. Statement of Ahmed Mohamed | 07-27-2016 |
| 9. Entry Sealing Records | 05-29-2015 |

Respondent's Exhibits:

- | | |
|---|------------|
| A. Materials included in the Application for Pharmacy Internship Registration | 06-01-2016 |
| B. Respondent's Ohio State University Advising Report | 06-10-2012 |
| C. Respondent's University of Findlay, College of Pharmacy, Transcript | No Date |
| D. Respondent's Resume | No Date |

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. On Ahmed Mohamed's application, he truthfully answered "YES" to question 5A that inquired whether he had ever been charged or convicted of a felony or a misdemeanor other than a minor traffic violation (even if expunged or sealed). Included with his application was a letter that detailed his misdemeanor theft conviction.
 - a. On or about October 3, 2013, Ahmed Mohamed appeared before the Franklin County Court of Common Pleas and plead guilty to an amended charge of theft, a first degree misdemeanor. As a part of this plea, he was ordered to pay \$1,617.83 to the Ohio State University. Case No. 13CR728.

DECISION OF THE BOARD

On the basis of the Findings of Fact set forth above and after consideration of the record as a whole, the Board hereby approves the Intern application submitted on or about June 1, 2016. The Intern license is to be issued and effective as of December 8, 2016.

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

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

SO ORDERED.

11:46 a.m. The Board recessed for lunch.

1:25 p.m. The meeting reconvened in Room South B&C.

1:30 p.m. The following candidates for licensure by reciprocity participated in a discussion of pharmacy laws and rules with Ms. Terri Ghittman, *OARRS Pharmacist*, in Room South A, 31st Floor of the Vern Riffe Center for the Government and the Arts:

BENJAMIN DAVID ARONSON	MINNESOTA
JAMES ROBERT BURR	ALABAMA
MARILIN CASTLE	KENTUCKY
TIMOTHY G. DANIEL	KENTUCKY
GERALD MICHAEL ELDRIDGE	INDIANA
MARK MINA ESSAK	MICHIGAN
CRYSTAL K. EZELL	TENNESSEE
ROBERT MICHAEL GOUGH	MARYLAND
DIRK A. HARRIS	INDIANA
GREGORY SCOTT HINSON	NORTH CAROLINA
RAYMOND MICHAEL HOLMES	KENTUCKY
JENNIFER M. KARNOUPAKIS	WEST VIRGINIA
BRITTANY M. KISER	INDIANA
WHITNEY LEACH MCWILLIAMS	KENTUCKY
MONALISA MOHANTY	MASSACHUSETTS
TODD KAZUO MORISATO	TEXAS
SCOTT GERALD POLIVKA	MICHIGAN
GRETCHEN LEE RHEDMON	VIRGINIA
ANGELA RENE SEEBACH	INDIANA
AMANDA ASHTIN SHEPPARD	WEST VIRGINIA
JOSEPH E. SIEROTA	PENNSYLVANIA
RUFFA DIONES VILLOTA	MICHIGAN
KELLIE KAY WILLIAMS	MICHIGAN

1:39 p.m. The Board was joined by Assistant Attorney General Steven Kochheiser to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Prescription Care Pharmacy, Hollywood, Florida.**

1:59 p.m. The hearing ended and the record was closed.

The Board was joined by Assistant Attorney General Steven Kochheiser to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **SoBe Compounding Apothecary, Miami, Florida.**

2:11 p.m. The hearing ended and the record was closed.

Ms. Marchal 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: Cox-yes; Marchal-yes; Rudell-yes; Weaver-yes; Wilt-yes and Yarosh-yes.

2:36 p.m. The recess ended and the hearing was opened to the public.

R-2017-193 After votes were taken in public session, the Board adopted the following order in the matter of **Prescription Care Pharmacy, Hollywood, Florida.**

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2015-1588)

In The Matter Of:

**Prescription Care Pharmacy, LLC
c/o Irwin Gottlieb, RPh
5820 Stirling Road
Hollywood, FL 33021
(DENIED License No. 02-2497250)**

INTRODUCTION

The Matter of Prescription Care Pharmacy, LLC came for consideration on December 6, 2016, before the following members of the State of Ohio Board of Pharmacy (Board): Michael A. Moné, R.Ph., *Presiding*; Joshua M. Cox, R.Ph.; Megan E. Marchal, R.Ph.; Jennifer M. Rudell, R.Ph.; Fred M. Weaver, R.Ph.; Shawn C. Wilt, R.Ph. and Kilee S. Yarosh, R.Ph.

Curtis L. Passafume, Jr., R.Ph.; Absent.

Prescription Care Pharmacy, LLC was not present nor represented by Counsel. The State of Ohio was represented by Steven Kochheiser, Assistant Attorney General.

SUMMARY OF EVIDENCEState's Witnesses:

1. James Amend, RPh—State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | |
|---|------------|
| 1. Notice of Opportunity for Hearing | 08-25-2016 |
| 2. Credential View Screen | 11-15-2016 |
| 3. Terminal Distributor of Dangerous Drugs Application | 02-16-2015 |
| 4. Florida Disciplinary Records for Prescription Care Pharmacy, LLC | 01-07-2000 |
| 5. Florida Disciplinary Records for Irwin Gottlieb, RPh | 05-09-2002 |
| 6. Terminal Distributor of Dangerous Drugs Application | 05-11-2015 |

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 Board finds the following to be fact:

1. On or about February 16, 2015, the Board received an application for a Terminal Distributor of Dangerous Drugs license from Prescription Care Pharmacy, Inc. by and through Irwin Gottlieb who did sign and submit the document with an answer of "No" to the question inquiring whether 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 (or pending action) by any state or federal agency; even if subsequently dismissed or resolved without formal discipline. Upon further investigation, it was determined that answer was false.
2. During an investigation, a Compliance Specialist of the Board discovered that Prescription Care Pharmacy, LLC. and Irwin Gottlieb were disciplined by the Florida Department of Health and the State of Florida Board of Pharmacy.
 - a. On or about October 27, 1997, the Florida Department of Health issued an administrative complaint in Case No. 96-09343 against Prescription Care Pharmacy, Inc. after employees admitted to placing an incorrect date on albuterol solution for billing purposes. In a final order issued by the Florida Board of Pharmacy on or about January 6, 2000, Prescription Care Pharmacy, Inc. was required to pay a \$2,000 administrative fine and \$84.12 in investigative costs after stipulating to the facts, conclusions of law, and disposition of law.
 - b. On or about October 6, 2005, the Florida Department of Health issued an administrative complaint in Case No. 2004-33484 against Prescription Care Pharmacy, Inc.

for dispensing multiple units of medication that were not patient specific without a wholesale distributor's permit. After stipulating to the facts and conclusions of law, the final order issued by the Florida Board of Pharmacy on January 12, 2006 required Prescription Care Pharmacy, Inc. to pay \$1,412.21 in administrative costs.

c. On or about October 18, 2000, the Florida Department of Health issued an administrative complaint in Case No. 2000-06227 against Irwin Gottlieb. In a final order issued by the State of Florida Board of Pharmacy on or about May 6, 2002, Mr. Gottlieb was required to pay a \$250 administrative fine, \$664.51 in administrative costs, and complete a 12-hour course on the laws and rules governing the practice of Pharmacy in the State of Florida.

d. On or about October 6, 2005, the Florida Department of Health issued an administrative complaint in Case No. 2004-33884 against Irwin Gottlieb in his capacity as the prescription department manager for Prescription Care Pharmacy, Inc. Prescription Care Pharmacy dispensed multiple units of medication that were not patient specific without a wholesale distributor's permit in Case No. 2004-33484. After stipulating to the facts and conclusions of law, the State of Florida Board of Pharmacy issued a final order on or about January 22, 2006 requiring Mr. Gottlieb to pay \$1,287 in administrative costs.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraph (1) of the Findings of Fact constitutes Falsification, in violation of Section 2921.13(A)(5) of the ORC.
2. Such conduct as set forth in paragraph (1) of the Findings of Fact also constitutes a violation of each of the following divisions of Section 4729.57 of the ORC:
 - a. Making any false material statements in an application for a license as a TDDD, ORC Section 4729.57(A)(1); and
 - b. Violating any Rule of the Board, ORC Section 4729.57(A)(2); and
 - c. Violating any provision of this chapter, ORC Section 4729.57(A)(3); and
 - d. Ceasing to satisfy the qualifications of a TDDD set forth in 4729.55, ORC Section 4729.57(A)(7).
3. Finally, such conduct as set forth in paragraph (1), (2)(a) through (2)(d) of the Findings of Fact constitutes the following having been disciplined by any professional licensing board in violation of OAC Rule 4729-9-19(A)(7).

DECISION OF THE BOARD

1. Pursuant to Section 4729.57 of the Ohio Revised Code, Rule 4729-9-19 of the Ohio Administrative Code, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby denies the Application for Registration as a Terminal Distributor of Dangerous Drugs submitted by Prescription Care Pharmacy, LLC on or about February 16, 2015.

2. 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 \$8,000 on Prescription Care Pharmacy, LLC 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, 17th Floor, Columbus, Ohio 43215-6126.

3. Prescription Care Pharmacy, LLC may reapply for a Terminal Distributor of Dangerous Drugs License upon payment of the monetary penalty and submission of a new and corrected application with required application fee.

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

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

Mr. Wilt moved for Action of the Board; Ms. Marchal seconded the motion. Motion passed (Aye-4/Nay-2).

SO ORDERED.

R-2017-194

After votes were taken in public session, the Board adopted the following order in the matter of **SoBe Compounding Apothecary**, Miami, Florida.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2014-1631)

In The Matter Of:

SoBe Compounding Apothecary

DbA Budget Discount Sales

c/o Maria Castro, RPh

13150 SW 134th Street

Miami, FL 33186

(DENIED License No. 02-2402250)

INTRODUCTION

The Matter of SoBe Compounding Apothecary dba Budget Discount Services came for consideration on December 6, 2016, before the following members of the State of Ohio Board of Pharmacy (Board): Michael A. Moné, R.Ph., *Presiding*; Joshua M. Cox, R.Ph.; Megan E. Marchal, R.Ph.; Jennifer M. Rudell, R.Ph.; Fred M. Weaver, R.Ph.; Shawn C. Wilt, R.Ph. and Kilee S. Yarosh, R.Ph.

Curtis L. Passafume, Jr., R.Ph.; Absent.

SoBe Compounding Apothecary DbA Budget Discount Services was not present nor represented by Counsel. The State of Ohio was represented by Steven Kochheiser, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. James Amend, RPh—State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | |
|--|------------|
| 1. Notice of Opportunity for Hearing | 06-13-2016 |
| 2. Email Correspondence with Maria Castro, RPh w/attachments | 08-25-2016 |
| 3. Credential View Screen | 11-15-2016 |
| 4. Terminal Distributor of Dangerous Drugs Application | 05-28-2013 |
| 5. Additional Application Documents | 05-28-2013 |
| 6. Florida Department of Health Certified Records | 09-01-1998 |

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 Board finds the following to be fact:

1. On or about May 28, 2013, the Board received an application for a Terminal Distributor of Dangerous Drugs license from SoBe Compounding Apothecary dba Budget Discount Sales by and through Maria Castro who did sign and submit the document with an answer of "No" to the question inquiring whether the applicant, owner(s), Responsible Person, any agent or any employee of the location being licensed, or any officer of the corporation, have ever been the subject of disciplinary action (or pending action) by any state or federal agency; even if subsequently dismissed or resolved without formal discipline. Upon further investigation, it was determined that answer was false.
2. During an investigation, a Compliance Specialist of the Board discovered that Budget Discount Sales was disciplined by the Florida Department of Health.
 - a. On or about April 3, 1998, the Florida Department of Health issued an administrative complaint in Case No: 97-10403 against Budget Discount Sales after an audit revealed overpayment by Medicaid totaling \$5,950.79. Budget Discount Sales was notified of the overpayment and was issued a \$100 fine, bringing the total repayment to \$6,050.79. The administrative complaint made a recommendation that the Florida Board of Pharmacy impose one or more of the following penalties: an administrative fine not to exceed \$1,000, issuance of a reprimand, probation, and/or any other relief that the Board deemed appropriate.

b. On or about August 31, 1998, the Florida Board of Pharmacy issued a Final order in Case No: 97-10403 subjecting Budget Discount Sales to discipline. Budget Discount Sales received a reprimand and the payment of \$200 in costs. In addition, the order required the pharmacy manager to take twelve (12) hours of continuing education.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraph (2) of the Findings of Fact constitutes Falsification, in violation of Section 2921.13(A)(5) of the Ohio Revised Code (ORC).
2. Such conduct as set forth in paragraph (2) of the Findings of Fact also constitutes a violation of each of the following divisions of Section 4729.57 of the ORC:
 - e. Making any false material statements in an application for a license as a TDDD, ORC Section 4729.57(A)(1); and
 - f. Violating any Rule of the Board, ORC Section 4729.57(A)(2); and
 - g. Violating any provision of this chapter, ORC Section 4729.57(A)(3); and
 - h. Ceasing to satisfy the qualifications of a TDDD set forth in 4729.55, ORC Section 4729.57(A)(7).
3. Finally, such conduct as set forth in paragraph (2) of the Findings of Fact constitutes having been disciplined by any professional licensing board in violation of the Rule 4729-9-19(A)(7) of the Ohio Administrative Code.

DECISION OF THE BOARD

1. **Pursuant to Section 4729.57 of the Ohio Revised Code, Rule 4729-9-19 of the Ohio Administrative Code, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby denies the Application for Registration as a Terminal Distributor of Dangerous Drugs submitted by SoBe Compounding Apothecary DbA Budget Discount Services on or about May 28, 2013.**
2. 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 \$1,000.00 on SoBe Compounding Apothecary dba Budget Discount Services 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, 17th Floor, Columbus, Ohio 43215-6126.
3. SoBe Compounding Apothecary DbA Budget Discount Services may reapply for a Terminal Distributor of Dangerous Drugs License upon payment of the monetary penalty and submission of a new and corrected application with application fee.

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

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

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

SO ORDERED.

R-2017-195

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

**IN THE MATTER OF:
CASE NOS. 2014-1002
2016-2228**

James Coll, III, RPh
465 Rosedale Street
Ravenna, Ohio 44266
License No. 03-1-13584

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and James Coll, for the purpose of resolving all issues between the parties relating to the OSBP investigation of the destruction of a controlled substance with a restricted license. Together, OSBP and James Coll 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 Coll is a licensed pharmacist under license number 03-1-13584.

FACTS

1. On or about October 26, 2016, the OSBP initiated an investigation of James Coll, pharmacist license number 03-1-13584, related to James Coll's destruction of a controlled substance with a restricted license.
2. On or about November 21, 2016, the OSBP sent a Notice of Opportunity for Hearing to James Coll, 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.

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. James Coll neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated November 21, 2016; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. James Coll agrees to pay to the OSBP the amount of \$500.00, 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, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
4. James Coll's pharmacist license will remain on probation for an additional year, with probation ending on March 2, 2022.
5. James Coll agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. James Coll understands that he has the right to be represented by counsel for review and execution of this agreement.
7. James Coll 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. James Coll waives any request for a hearing in this matter and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code, and any right to an appeal.
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-2017-196

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

**IN THE MATTER OF:
CASE NO. 2014-2086-A**

Davies Pharmacy, Inc.
c/o Steven Fettman, RPh
2915 W. Tuscarawas Street
Canton, Ohio 44708
License No. 02-0108200

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Davies Pharmacy, Inc., for the purpose of resolving all issues between the parties relating to the OSBP investigation of the malfunction of Davies Pharmacy, Inc.'s automated dispensing machine which subsequently led to the error in dispensing of RX#07788636. Together, OSBP and Davies Pharmacy, Inc. 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. Davies Pharmacy, Inc. is a licensed Terminal Distributor of Dangerous Drugs under license number 02-0108200.

FACTS

1. On or about November 17, 2014, the OSBP initiated an investigation of Davies Pharmacy, Inc., Terminal Distributor of Dangerous Drugs license number 02-0108200, related to Davies Pharmacy, Inc.'s malfunction of their automated dispensing machine which subsequently led to the error in dispensing of RX#07788636.
2. On or about August 15, 2016, the OSBP sent a Notice of Opportunity for Hearing to Davies Pharmacy, Inc., which outlined the allegations and provided notice of their right to a hearing, their rights in such hearing, and their right to submit contentions in writing.

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. Davies Pharmacy, Inc. neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated August 15, 2016; however, the OSBP has evidence sufficient

to sustain the allegations and hereby adjudicates the same. Further, the Board finds Violations of Law as set forth in one, two, four, and five of the Notice dated August 15, 2016; the Board hereby dismisses Violation of Law number three.

3. Davies Pharmacy, Inc. agrees to pay, as full payment for all charges made against it as referenced in paragraph two above, to the OSBP the amount of \$1,500.00, 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, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.

4. Davies Pharmacy, Inc. and Steven Fettman, RPh agree and acknowledge that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which Davies Pharmacy, Inc. currently holds a professional license, including the OSBP on renewal applications or applications for a new license.

5. Davies Pharmacy, Inc. 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 Davies Pharmacy, Inc. 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 Davies Pharmacy, Inc. by the OSBP and will NOT discharge Davies Pharmacy, Inc. from any obligation under the terms of this Agreement.

6. Davies Pharmacy, Inc. agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

7. Davies Pharmacy, Inc. 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 Davies Pharmacy, Inc. will operate.

9. Davies Pharmacy, Inc. waives its right to an appeal and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code and specifically withdraws its request for a hearing in this matter.

10. 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.

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

12. 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-2017-197

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

**IN THE MATTER OF:
CASE NO. 2014-2086-B**

Matthew Fettman, RPh
5418 Rebecca Avenue, N.W.
Canton, Ohio 44709
License No. 03125539

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Matthew Fettman, for the purpose of resolving all issues between the parties relating to the OSBP investigation of the error in dispensing of RX#07788636. Together, OSBP and Matthew Fettman 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. Matthew Fettman is a licensed pharmacist under license number 03125539.

FACTS

1. On or about November 17, 2014, the OSBP initiated an investigation of Matthew Fettman, pharmacist license number 03125539, related to Matthew Fettman's error in dispensing of prescription number 07788636.
2. On or about August 15, 2016, the OSBP sent a Notice of Opportunity for Hearing to Matthew Fettman, 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.

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. Matthew Fettman neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated August 15, 2016; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same. Further, the Board finds Violations of Law as set forth in one through three of the Notice; the Board hereby dismisses Violations of Law four and five of the notice letter dated August 15, 2016.
 3. Matthew Fettman agrees to pay, as full payment for all charges made against him as referenced in paragraph two above, to the OSBP the amount of \$500.00, 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, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
 4. Matthew Fettman must obtain, within 90 days from the effective date of this Agreement, 6 hours of approved continuing pharmacy education (0.6 CEUs) in medication errors and/or patient safety, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
 5. Matthew Fettman agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 6. Matthew Fettman understands that he has the right to be represented by counsel for review and execution of this agreement.
 7. Matthew Fettman 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. Matthew Fettman waives his right to an appeal and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code and specifically withdraws his request for a hearing in this matter.
 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-2017-198

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

**IN THE MATTER OF:
CASE NO. 2015-1858-C**

John Pangrac, RPh
4539 Oakridge Drive
Toledo, Ohio 43623
License No. 03-2-21312

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and John Pangrac, for the purpose of resolving all issues between the parties relating to the OSBP investigation of the error in dispensing of RX#2319300. Together, OSBP and John Pangrac 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. John Pangrac is a licensed pharmacist under license number 03-2-21312.

FACTS

1. On or about October 20, 2015, the OSBP initiated an investigation of John Pangrac, pharmacist license number 03-2-21312, related to John Pangrac's error in dispensing of RX#2319300.
2. On or about August 24, 2016, the OSBP sent a Notice of Opportunity for Hearing to John Pangrac, 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 September 9, 2016, John Pangrac timely requested an administrative hearing, which was subsequently scheduled for February 8, 2017.

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. John Pangrac neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated August 24, 2016; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.

3. John Pangrac agrees to pay to the OSBP the amount of \$500.00, 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, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
 4. John Pangrac must obtain, within 90 days from the effective date of this Agreement, 6 hours of approved continuing pharmacy education (0.6 CEUs) in medication errors and/or patient safety, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
 5. John Pangrac agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 6. John Pangrac understands that he has the right to be represented by counsel for review and execution of this agreement.
 7. John Pangrac 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. John Pangrac waives his right to an appeal and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code and specifically withdraws his request for a hearing in this matter.
 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.
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R-2017-199 Mr. Moné announced that the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE NO. 2015-1858-A**

James Pharmacy
c/o John Pangrac, RPh
623 Lagrange
Toledo, Ohio 43604
License No. 02-0171600

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and James Pharmacy, for the purpose of resolving all issues between the parties relating to the OSBP investigation of the error in dispensing of RX#2319300. Together, OSBP and James 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. James Pharmacy is a licensed Terminal Distributor of Dangerous Drugs under license number 02-0171600.

FACTS

1. On or about October 20, 2015, the OSBP initiated an investigation of James Pharmacy, Terminal Distributor of Dangerous Drugs license number 02-0171600, related to James Pharmacy’s error in dispensing of RX#2319300.
2. On or about August 24, 2016, the OSBP sent a Notice of Opportunity for Hearing to James Pharmacy, which outlined the allegations and provided notice of their right to a hearing, their rights in such hearing, and their right to submit contentions in writing.
3. On or about September 9, 2016, James Pharmacy timely requested an administrative hearing, which was subsequently scheduled for February 8, 2017.

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. James Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated August 24, 2016; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. James Pharmacy agrees to pay to the OSBP the amount of \$3,500.00, 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, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.

4. James Pharmacy and John Pangrac, RPh agree and acknowledge that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which James Pharmacy currently holds a professional license, including the OSBP on renewal applications or applications for a new license.
5. James 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 James 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 James Pharmacy by the OSBP and will NOT discharge James Pharmacy from any obligation under the terms of this Agreement.
6. James Pharmacy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. James Pharmacy 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 James Pharmacy will operate.
9. James Pharmacy waives its right to an appeal and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code and specifically withdraws its request for a hearing in this matter.
10. 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.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. 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-2017-200

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

**IN THE MATTER OF:
CASE NO. 2016-1330**

Nicole Pankuch
7138 Connie Drive
Mentor, Ohio 44060

License No. 03-3-25629**SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY**

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Nicole Pankuch, for the purpose of resolving all issues between the parties relating to the OSBP investigation of the error in dispensing of RX#1172866. Together, OSBP and Nicole Pankuch 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. Nicole Pankuch is a licensed pharmacist under license number 03-3-25629.

FACTS

1. On or about March 17, 2016, the OSBP initiated an investigation of Nicole Pankuch, pharmacist license number 03-3-25629, related to Nicole Pankuch's error in dispensing of prescription number 1172866.
2. On or about July 7, 2016, the OSBP sent a Notice of Opportunity for Hearing to Nicole Pankuch, 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 13, 2016, Nicole Pankuch timely requested an administrative hearing, which was subsequently scheduled for December 5, 2016.

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

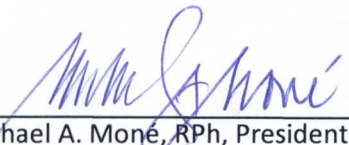
TERMS

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. Nicole Pankuch neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated July 7, 2016; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. Nicole Pankuch agrees to pay to the OSBP the amount of \$1,300.00, 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, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.

4. Nicole Pankuch must obtain, within 90 days from the effective date of this Agreement, 6 hours of approved continuing pharmacy education (0.6 CEUs) in medication errors and/or patient safety, HIPAA, or Ethics, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. Nicole Pankuch agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Nicole Pankuch understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Nicole Pankuch agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
8. Nicole Pankuch waives her right to an appeal and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code and specifically withdraws her request for a hearing in this matter.
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.

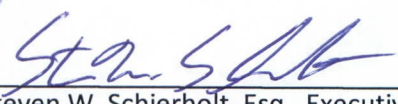
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- R-2017-201** Mr. Moné announced that the citation issued to **Pain Management Center**, Columbiana, Ohio is hereby dismissed.
- R-2017-202** Ms. Yarosh moved that the Conference Call Minutes of November 18, 2016, be approved as written. The motion was seconded by Ms. Rudell and approved by the Board: Aye-5/Abstain-1.
- R-2017-203** Ms. Yarosh moved that the Conference Call Minutes of November 30, 2016, be approved as written. The motion was seconded by Mr. Weaver and approved by the Board: Aye-6.
- R-2017-204** Mr. Weaver moved that the Meeting Minutes of November 7-8, 2016, be approved as amended. The motion was seconded by Ms. Rudell and approved by the Board: Aye-6.
- R-2017-205** Mr. Wilt moved that the meeting be adjourned. The motion was seconded by Mr. Weaver and approved by the Board: Aye-6.
- 3:01 p.m.** The meeting was adjourned.



Michael A. Moné, RPh, President

1/9/2017

Date



Steven W. Schierholt, Esq., Executive Director

1/11/17

Date