



MINUTES OF THE AUGUST 7-9, 2017
MEETING OF THE STATE OF OHIO BOARD OF PHARMACY

Monday, August 7, 2017

10:14 a.m. The State of Ohio 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:

Fred M. Weaver, RPh, *Presiding*; Joshua M. Cox, RPh; Michael A. Moné, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Shawn C. Wilt, RPh. and Kilee S. Yarosh, RPh.

Megan E. Marchal and Curtis L. Passafume, Jr., RPh—Absent.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Chad Garner, *Director of OARRS*; Eric Griffin, *Director of Compliance and Enforcement*; Chandra Galante, *Director of Licensing*; Steven Kochheiser, *Assistant Attorney General* and Sarah Ackman, *Associate Legal Counsel*; Cameron McNamee, *Director of Policy and Communications*.

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 **Brian Scott**, Blacklick, Ohio.

11:23 a.m. The hearing ended and the record was closed.

Mr. Moné 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. Yarosh and a roll-call vote was conducted by Vice President Weaver as follows: Cox-yes; Moné-yes; Newlon-yes; Rudell-yes; Wilt-yes and Yarosh-yes.

12:02 p.m. The recess ended and the hearing was opened to the public.

R-2018-029 After votes were taken in public session, the Board adopted the following order in the matter of **Brian Scott**, Blacklick, Ohio.



ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2016-2108)

In The Matter Of:

Brian Scott, R.Ph.

1250 Jackson Hole Drive

Blacklick, OH 43004

(License No. 03-2-23111)

INTRODUCTION

The Matter of Brian Scott came for hearing on August 7, 2017, before the following members of the State of Ohio Board of Pharmacy (Board): Fred M. Weaver, *Presiding*; Joshua M. Cox, RPh; Michael A. Moné, RPh; Richard J. Newlon, *Public Member*; Jennifer M. Rudell, RPh; Shawn C. Wilt, RPh and Kilee S. Yarosh, RPh.

Curtis L. Passafume, Jr., RPh and Megan M. Marchal, RPh; Absent.

Brian Scott was represented by Samuel Shamansky. The State of Ohio was represented by Steven Kochheiser, Assistant Attorney General.

SUMMARY OF EVIDENCE**State's Witnesses:**

1. Brian Scott, RPh—Respondent
2. Rebecca Carroll, RPh—State of Ohio Board of Pharmacy

Respondent's Witnesses:

None

State's Exhibits:

- | | | |
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| 1. | Summary Suspension/Notice of Opportunity for Hearing | 11-09-2016 |
| 2. | Request for Hearing | 12-01-2016 |
| 3. | Scheduling Letters | Various |
| 4. | Credential View Screen | 04-10-2017 |
| 5. | Griffey Statement | 09-26-2016 |
| 6. | Gruenke Statement | 12-22-2016 |
| 7. | Express Scripts DEA 106 Forms | Various |
| 8. | RX 1618007043-57 | 06-17-2016 |
| 9. | RX 1622327108-12 | 08-02-2016 |
| 10. | RX 1624519175-56 | 09-01-2016 |
| 11. | Control Room Photos | Various |
| 12. | Franklin County Municipal Court Records | 06-23-2017 |

Respondent's Exhibits:

- | | | |
|----|--|------------|
| A. | Complaint, Franklin Co. Municipal Court | 03-03-2017 |
| B. | Participation Agreement, ADAP Franklin Co. Municipal Court | 06-22-2017 |
| C. | Conditions of Probation, Franklin Co. Municipal Court | 06-22-2017 |

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| D. | Letter of Ashley Schmidt, ADAP Coordinator | 08-02-2017 |
| E. | Letters of Denise Long, Clinical Counselor | 03-27-2017 |
| F. | Letter of Ashley Rieger, Narcotics Anonymous | No Date |
| G. | Letter of Brian Scott | 02-01-2017 |

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. Brian Scott is addicted to the use of controlled substances in violation of Section 3719.121(A) of the ORC and/or there is a clear and convincing evidence that continuation of his professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others as set forth in Section 3719.121(B) of the ORC, to wit:
 - a. On October 28, 2016, Brian Scott admitted that he started stealing drugs a "couple years ago," in 2013 or 2014.
 - b. He admitted that he stole the medication from filled patient medications
 - c. He admitted that he took approximately 50 methadone 10mg, 100 oxycodone 30mg, and oxycontin 80mg tablets.
 - d. During an interview with an Agent of the Board, Brian Scott admitted that his drugs of choice were oxycodone without acetaminophen and that he consumed pills at work.
 - e. He also indicated he weaned himself off the drugs using methadone taken from work.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact constitutes theft of dangerous drugs, in violation of Section 2913.02(A)(1) of the ORC.
2. Such conduct as set forth in the Findings of Fact constitutes a violation of 2925.11(A), possession of controlled substances, each violation being a felony of the fifth degree.
3. Such conduct as set forth in the Findings of Fact constitutes the following violations of the ORC:
 - a. Guilty of a felony or gross immorality, ORC 4729.16(A)(1); and
 - b. Guilty of dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16(A)(2); and
 - c. Addicted to or abusing alcohol or drugs or impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, ORC 4729.16(A)(3); and

- d. Guilty of willfully violating any of the provisions of this chapter or any rule adopted by the board under those provisions, ORC 4729.16(A)(5).
4. Such conduct as set forth in the Findings of Fact constitutes the following violations of the Ohio Administrative Code (OAC):
 - a. Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, OAC Rule 4729-5-04(A); and
 - b. Violated...any of the provisions of Chapters 4729., 3715., 3719., and 2925. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729-5-04(B); and
 - c. Committed acts that constitute gross immorality, OAC Rule 4729-5-04(C); and
 - d. Is addicted to or abusing alcohol, drugs or other chemical substances or impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, OAC Rule 4729-5-04(D).

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 Brian Scott on November 9, 2016.

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. 03-2-23111, held by Brian Scott and such suspension is effective as of the date of the mailing of this Order.

1. Brian Scott, 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.
2. Brian Scott, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his identification card and license (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 2 years from the effective date of this Order and upon completion of all court ordered requirements, including ADAP, the Board will consider any petition filed by Brian Scott 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:

1. Brian Scott must pay to the Board a monetary penalty of \$5,000.00 prior to any petition for reinstatement.
2. Brian Scott must maintain a current address with the Board throughout the duration of the suspension.

3. Brian Scott must enter into and adhere to the terms of 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. Failure to adhere to the terms of the treatment contract will be considered a violation of the Board's Order and subject [Petitioner] to potential sanctions up to and including revocation of license. The contract must provide that:
 - a. Random, observed urine drug screens shall be conducted at least once each month.
 - b. 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.
 - c. Alcohol and Ethyl Glucuronide (ETG) must be added to the standard urine drug screen.
 - d. 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.
 - e. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the Brian Scott in a timeframe consistent with the drug lab's recommended policy, but in any event no later than 12 days after the negative diluted screen.
 - f. 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.
 - g. Attendance is required a minimum of three times per calendar week (Sunday through Saturday) on separate days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - h. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
4. Brian Scott shall not refuse an employer provided drug or alcohol screen. If the Board becomes aware of any positive drug or alcohol screen results that were obtained in the course of employment or any mechanism other than via the signed contract with ODMHAS, the Board shall treat these results as a violation of the Board's Order and request Brian Scott reappear before the Board for possible additional sanctions, including and up to revocation of license.
5. Brian Scott shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of suspension. The Board shall treat any such refusal as a violation of the Board's Order and request Brian Scott reappear before the Board for possible additional sanctions, including and up to revocation of license.

6. Brian Scott must immediately report any violation of the terms of this suspension to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject Brian Scott to possible additional sanctions, including and up to revocation of license.
7. Brian Scott must demonstrate satisfactory proof to the Board that he 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.
8. Pursuant to Section 4729.16 of the Ohio Revised Code, the State of Ohio Board of Pharmacy imposes a monetary penalty in 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, 17th Floor, Columbus, Ohio 43215-6126, prior to petitioning for reinstatement.
9. Brian Scott must provide, in the reinstatement petition, documentation of the following:
 - a. 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.);
 - b. 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;
 - c. Compliance with the terms of this Order.
 - d. Proof of payment monetary payment.
10. If reinstatement is not accomplished within **three years** of the effective date of this Order, Brian Scott must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination approved by the Board.
11. Any reinstatement shall not occur until such time as any criminal intervention in lieu of conviction has been successfully completed.
12. Violation of any term of suspension, including but not limited to any violation of the contract signed with the ODMHAS or other approved treatment provider may result in additional action before the Board up to and including revocation of your pharmacy license.
13. Any violation of Chapters 2925., 3715., 3719., 4729., of the Ohio Revised Code, any administrative code violation or a violation of any other state or federal law will be considered a violation of this Order resulting in a hearing before the Board and may also result in criminal and/or administrative charges.
14. If Brian Scott's employment is related to the practice of pharmacy, Brian Scott must notify employer of the terms of Brian Scott's suspension and this Board's Order.

15. Failure to complete the terms set forth in this Board's Order, or to petition for reinstatement within five years of the date of this Order, will result in the Board issuing a notice of opportunity for hearing to consider additional disciplinary action, including and up to revocation of Brian Scott's license.

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

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

Mr. Wilt moved for Action of the Board; Ms. Yarosh seconded the motion. Motion passed (Aye-5/Nay-1).

SO ORDERED.

12:06 p.m. The Board recessed for lunch.

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

Ms. Galante provided the Licensing update.

R-2018-030 Ms. Yarosh moved that the Board adopt the revised Responsible Person Requirements for Licensure. The motion was seconded by Mr. Cox and approved by the Board: Aye-6.

R-2018-031 The Board received a Foreign Grad Intern Renewal request, 4729-3-04(B), of **Onyeche Oche** (06-015104) Woodmere, Ohio. Mr. Moné moved that the Board approve the request for a period of 10 months. The motion was seconded by Ms. Rudell and approved by the Board: Aye-6.

1:26 p.m. Mr. Garner provided the OARRS/IT update.

1:30 p.m. Pursuant to Section 4729.16 of the Ohio Revised Code, the State of Ohio Board of Pharmacy considered a summary suspension as required by Section 3719.121 of the Ohio Revised Code. After hearing Mr. Pyles discuss the significant facts regarding the individual a motion was not made to summarily suspend the individual's license to practice pharmacy.

1:46 p.m. Mr. Pyles presented the Compliance and Enforcement report.

R-2018-032 The Board received an extension request for storage of records of Wal-Mart/Sam's Club Pharmacies pursuant to Rule 4729-9-11. Mr. Moné moved that the Board approve the request for a period of 60 days. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-6.

R-2018-033 The Board received an extension request for storage of records of Meijer Pharmacy pursuant to Rule 4729-9-11. Mr. Moné moved that the Board approve the request for a period of 60 days. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-5/Abstain-1.

R-2018-034 The Board received an application for the Continuing Education Provider Status of **Norbert Manz, RPh.** (03-2-15401) North Royalton, Ohio. Mr. Wilt moved that the Continuing Education Provider

Status be approved. The motion was seconded by Mr. Cox and approved by the Board: Aye-5/Abstain-1.

R-2018-035 The Board received an application for the Continuing Education Provider Status of **Rebecca Taylor, RPh.** (03-3-29079) Mayfield Village, Ohio. Mr. Newlon moved that the Continuing Education Provider Status be approved. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-5/Abstain1.

R-2018-036 The Board received an application for the Continuing Education Provider Status of **Christa Bigham, RPh.** (03-1-27360) Louisville, Ohio. Mr. Cox moved that the Continuing Education Provider Status be approved. The motion was seconded by Mr. Newlon and approved by the Board: Aye-5/Abstain-1.

1:53 p.m. Ms. Reed provided the Medical Marijuana Control Program update.

R-2018-037 Mr. Wilt moved that the Board approve the final filing of the Medical Marijuana Control Program Rules with JCARR. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-6.

2:10 p.m. Ms. Reed discussed the potential scheduling of the drug Etizolam as a schedule 1 controlled substance.

R-2018-038 Mr. Wilt moved that the Board approve the scheduling of Etizolam as schedule 1 controlled substance. The motion was seconded by Mr. Newlon and approved by the Board: Aye-6.

2:16 p.m. The Board recessed briefly.

2:25 p.m. The meeting reconvened in Room South B&C.

Mr. McNamee provided the Legislative update.

R-2018-039 Ms. Rudell moved that the Board adopt the following Resolution:

Resolution: Participation in the Ohio Medical Marijuana Control Program

The State of Ohio Board of Pharmacy has received inquiries regarding pharmacist participation in the Ohio Medical Marijuana Control Program authorized under Chapter 3796. of the Ohio Revised Code.

It is hereby the policy of the State of Ohio Board of Pharmacy that a person licensed or registered by the Board will not be subject to professional discipline solely based on participation in any lawful activity authorized under Chapter 3796. of the Revised Code.

The Board would like to remind any licensee or registrant that violating any provision of Chapter 3796. of the Revised Code or any rule adopted thereunder, may subject the individual to professional discipline by the Board.

The motion was seconded by Mr. Wilt and approved by the Board: Aye-6.

R-2018-040 Mr. Moné moved that the Board adopt the following Resolution:

Drug Administration by Pharmacists Pursuant to a Physician Protocol

The State of Ohio Board of Pharmacy hereby recognizes the following, as it applies to the administration of Cobalamin pursuant to section 4729.46 of the Ohio Revised Code and rule 4729-5-40 of the Ohio Administrative Code:

Cobalamin includes the administration of cyanocobalamin, hydroxocobalamin or any other FDA-approved B₁₂ injection.

The motion was seconded by Ms. Rudell and approved by the Board: Aye-6.

R-2018-041 Mr. Moné moved that the Board approve the 4729-5-30 rules packet as amended and adopt the following Resolution:

Resolution: Implementation of Rule 4729-5-30 of the Ohio Administrative Code

The Board hereby delays the enforcement of the diagnosis code requirements of paragraph (B)(14)(b) of rule 4729-5-30 of the Administrative Code for non-opioid analgesic controlled substance prescriptions until June 1, 2018.

The requirement for the inclusion of the diagnosis code pursuant to paragraph (B)(14)(b) of rule 4729-5-30 of the Administrative Code for opioid analgesic prescriptions will take effect on December 29, 2017.

The motion was seconded by Mr. Wilt and approved by the Board: Aye-6.

2:47 p.m. Mr. McNamee presented the public comments regarding Rule 4729-17-11.

Mr. McNamee presented the July Rules Review Committee rules for review.

R-2018-042 Mr. Moné moved that the Board approve the Rules packet as amended for filing with CSI and JCARR. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-6.

4:06 p.m. Mr. Moné 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 Mr. Cox and a roll-call vote was conducted by Vice President Weaver as follows: Cox-yes; Moné-yes; Newlon-yes; Rudell-yes; Wilt-yes and Yarosh-yes

5:00 p.m. The meeting reconvened in Room South B&C.

The Board recessed for the day.

Tuesday, August 8, 2017

- 9:09 a.m.** The State of Ohio 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:
- Fred M. Weaver, RPh, *Presiding*; Joshua M. Cox, RPh; Michael A. Moné, RPh; Richard J. Newlon, *Public Member*; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Shawn C. Wilt, RPh and Kilee S. Yarosh, RPh.
- Megan E. Marchal, RPh—Absent.
- 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 **Dana Madievsky, RPh**, Studio City, California.
- 9:37 a.m.** The hearing ended and the record was closed.
- Mr. Moné 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 Mr. Wilt and a roll-call vote was conducted by Vice President Weaver as follows: Cox-yes; Moné-yes; Newlon-yes; Passafume-yes; Rudell-yes; Wilt-yes and Yarosh-yes.
- 9:48 a.m.** The recess ended and the hearing was opened to the public.
- R-2018-043** Mr. Weaver announced that the citation issued to **Dana Madivesky, RPh** is hereby dismissed.
- 9:53 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 **Brandon Wolfe**, Columbus, Ohio.
- 12:23 p.m.** The hearing ended and the record was closed.
- Mr. Moné 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 Vice President Weaver as follows: Cox-yes; Moné-yes; Newlon-yes; Passafume-yes; Rudell-yes; Wilt-yes and Yarosh-yes.
- 1:02 p.m.** The recess ended and the hearing was opened to the public.
- R-2018-044** After votes were taken in public session, the Board adopted the following order in the matter of **Brandon Wolfe**, Columbus, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2016-1904)

In The Matter Of:

Brandon Wolfe4235 Glen Eden Road
Cranberry Township, PA 16066
(License No. 06-011558)**INTRODUCTION**

The Matter of Brandon Wolfe came for hearing on August 8, 2017, before the following members of the State of Ohio Board of Pharmacy (Board): Fred M. Weaver, RPh, *Presiding*; Joshua M. Cox, RPh; Michael A. Moné, RPh; Richard J. Newlon, *Public Member*; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Shawn C. Wilt, RPh and Kilee S. Yarosh, RPh.

Megan E. Marchal, RPh; Absent.

Brandon Wolfe was represented by Levi Tkach. The State of Ohio was represented by Steven Kochheiser, Assistant Attorney General.

SUMMARY OF EVIDENCE**State's Witnesses:**

1. Brandon Wolfe—Respondent
2. John West—State of Ohio Board of Pharmacy

Respondent's Witness:

1. Brandon Wolfe—Respondent

State's Exhibits:

- | | | |
|-----|--|------------|
| 1. | Summary Suspension/Notice of Opportunity for Hearing | 07-29-2016 |
| 2. | Request for Hearing | 08-16-2016 |
| 3. | Notice of Hearing | 08-18-2016 |
| 4. | Credential View Screen | 11-15-2016 |
| 5. | Columbus Police Investigative Report | 07-21-2016 |
| 6. | Columbus Police Investigative Photos | 07-21-2016 |
| 7. | Sworn Statement | 07-27-2016 |
| 8. | Board of Pharmacy Property Impound Report | 07-28-2016 |
| 9. | BCI Lab Report | 09-08-2016 |
| 10. | CVS Timesheet | 08-04-2016 |
| 11. | A-DEA Form 106—CVS Store #5060 | 08-19-2016 |
| | B-DEA Form 106—CVS Store #6182 | 09-01-2016 |
| 12. | A-Accountability Statements—CVS Store #5060 | 12-18-2016 |
| | B-Accountability Statements—CVS Store #6182 | 12-18-2016 |
| 13. | Franklin Co. Common Pleas Court Records | 07-11-2017 |
| 14. | Franklin Co. Common Pleas Court Transcript | 07-06-2017 |

Respondent's Exhibits:

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|----|-----------------------------------|------------|
| A. | Curriculum Vitae of Brandon Wolfe | No Date |
| B. | AA Meeting Attendance Logs | Various |
| C. | Letter of Holy Family Institute | 04-20-2017 |
| D. | Letter of PRO | 08-02-2017 |

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 July 21, 2016, after responding to an automobile crash with injuries, Columbus Police Patrol Units completed an inventory of Brandon Wolfe's vehicle and found more than 700 pills in his vehicle. The tablets found during the inventory search were contained in plastic baggies and amber vials. The drugs Brandon Wolfe was found to be in possession of, all schedule IV controlled substances unless otherwise indicated, included:

- a. 326 tramadol 50 mg tablets;
- b. 52 tramadol hydrochloride 50 mg tablets;
- c. 22 tramadol hydrochloride XR 100 mg;
- d. 30 tramadol XR 200 mg;
- e. 30 tramadol hydrochloride XR 300 mg;
- f. 54.5 tramadol acetaminophen 325 mg;
- g. 87.5 clonazepam 1 mg;
- h. 67 alprazolam .25 mg;
- i. 16 zaleplon 10 mg;
- j. 13 Provigil 200 mg;
- k. 14 zolpedem tartrate 10 mg;
- l. 29 trazodone 50 mg, a non-scheduled dangerous drug;
- m. 34.5 gabapentin 600 mg, a non-scheduled dangerous drug.

2. Upon arrival at the police station, Brandon Wolfe submitted to a BAC test, and had a BAC content of 0.189%. He admitted to Columbus Police that he had consumed alcohol earlier in the morning as well as the medication Cymbalta and also admitted to consuming three beers that were found in his vehicle during the inventory.

3. During a discussion with Board Agents on July 27, 2016, Brandon Wolfe admitted to operating his vehicle while intoxicated on July 21, 2016. He also admitted to being addicted to and abusing tramadol. He stated that he purchased the drugs from various people on the street and admitted to stealing approximately 100-200 tramadol 50 mg tablets from his employer, CVS, over the past eight months. He also acknowledged he was seeking treatment for mental health/depression issues and drug addiction.

4. On or about November 18, 2016, Brandon Wolfe was indicted in the Franklin County Court of Common Pleas on one count of theft of drugs, a fourth degree felony, and two counts of possession of drugs, a fourth degree felony. Case No. 2016 CR 6445.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact 1(a) through 1(f) and 3 each constitutes a violation of Section 2913.02(A)(1) and (A)(2) of the ORC, theft.
2. Such conduct as set forth in the Findings of Fact 1(a) through 1(m) and 3 each constitutes a violation of Section 2925.11(A), Possession of controlled substances, a felony of the fourth degree.
3. Such conduct as set forth in the Findings of Fact 1(a) through 1(m), and 3 each constitutes a violation of Section 4729.51(C)(2), no person shall possess for sale, at retail, dangerous drugs, a felony of the fifth degree.
4. Such conduct as set forth in the Findings of Fact 1(a) through 1(m), and (3) each constitutes a violation of Section 4729.51(C)(3), no person shall possess dangerous drugs, a misdemeanor of the first degree.
5. Such conduct as set forth in the Findings of Fact constitutes a violation of Section 4729.16 of the ORC:
 - a. Guilty of a felony or gross immorality, ORC 4729.16(A)(1); and
 - b. Guilty of dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16(A)(2); and
 - c. Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacy intern unfit to practice pharmacy, ORC 4729.16(A)(3); and
 - d. Guilty of willfully violating any of the provisions of this chapter...Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(5).
6. Such conduct as set forth in the Findings of Fact also constitutes a violation of Chapter 4729-5 of the OAC:
 - a. Violated any state or federal law or rule, OAC Rule 4729-5-04(A); and
 - b. Violated...any of the provisions of Chapters 4729., 3719., and 2925. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729-5-04(B); and
 - c. Being addicted to or abusing liquor or drugs, OAC Rule 4729-5-04(D).

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 Brandon Wolfe on July 29, 2016.

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, including credibility of the witnesses, the State of Ohio Board of Pharmacy adjudicates the matter of Brandon Wolfe as follows:

On the basis of the Findings of Fact and section (1) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 06-011558, held by Brandon Wolfe effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (2) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 06-011558, held by Brandon Wolfe effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (3) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 06-011558, held by Brandon Wolfe effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (4) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 06-011558, held by Brandon Wolfe effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (5) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 06-011558, held by Brandon Wolfe effective as of the date of the mailing of this Order.

On the basis of the Findings of Fact and section (6) of the Conclusions of Law, the State of Ohio Board of Pharmacy hereby revokes permanently the Pharmacist license, No. 06-011558, held by Brandon Wolfe effective as of the date of the mailing of this Order.

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

Mr. Moné moved for Conclusions of Law; Mr. Passafume seconded the motion. Motion passed (Aye-7/Nay-0).

Mr. Passafume moved for Action of the Board; Mr. Newlon seconded the motion. Motion passed (Aye-4/Nay-3).

SO ORDERED.

1:05 p.m.

Mr. Cox left the meeting.

The Board recessed for lunch.

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:

| | |
|-------------------------------|----------------|
| KWESI OWUSU AGYARE | 03236842 |
| ANTHONY MICHAEL BOYD | 03237312 |
| CALVERN RUDOLPH BUSHAY | 03237510 |
| ELIZABETH ANN CARTER | 03237509 |
| HANAN NAIMA CHERQAOU | 03237475 |
| SCOTT CHIEFFO | 03237549 |
| JAVERIA CHISHTY | 03237464 |
| MYTHILI CHUNDURU | 03237415 |
| MARIAM EMEEL ELIAS | 03237487 |
| DAVID THOMAS GOWARTY | 03237482 |
| SHANNON GRADY | TO BE ASSIGNED |
| CASSIUS MARCELLUS HUDSON | 03236585 |
| JESSICA ISAAC | TO BE ASSIGNED |
| ANTHONY JAWORSKI | TO BE ASSIGNED |
| GIRISH KAIMAL | 03237548 |
| LINDSAY RENEE KALATA | 03237432 |
| MARTIN LAWRENCE KLAUS | 03223473 |
| JENNIFER TRUONG LE | 03237025 |
| JOHN LOVE | 03237535 |
| KATHLEEN LOVE | 03237534 |
| RIDHIMA MANN | 03237474 |
| MEREDITH C. MANNING | 03237506 |
| KAREN ANN MCLAUGHLIN | 03237519 |
| JOSEPH VALENTINE MUHA | 03237504 |
| JILL MARIE MUTZIGER | 03237465 |
| JOSLYN DIANE NEAL | 03237521 |
| DEREK D. OWEN | 03237480 |
| AMITA DHAWAN PANDYA | 03228506 |
| KEVIN EUTUM PARK | 03237416 |
| WILLIAM R. PFLANZ | 03237533 |
| JEFFREY ALAN PILZ | 03237418 |
| BRITTANY SHEA REED | 03237520 |
| WHITNEY BROOKE SANDY | 03237546 |
| THOMAS EDWIN SCHULTZ | 03237307 |
| CAITLYN MARIE SIMMONS | 03237026 |
| CHRISTOPHER BRIAN SMURTHWAITE | 03237476 |
| EMILIJA STOJOVA | 03237544 |
| ERIC H. SULLIVAN | 03237022 |
| WAI-YIN MANDY TAM | 03237479 |
| DANIELLE RENEE THOMAS | 03236507 |
| KATHERINE VELTMAN | TO BE ASSIGNED |
| KIERSTEN JONEL WILLIAMS | 03237473 |
| MICHAEL RYAN WODECKI | 03237505 |

1:52 p.m.

The meeting reconvened in Room South B&C.

Mr. Moné 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 Mr. Passafume and a roll-call vote was conducted by Vice President Weaver as follows: Cox-yes; Moné-yes; Newlon-yes; Passafume-yes; Rudell-yes; Wilt-yes and Yarosh-yes

2:16 p.m. The meeting reconvened in Room South B&C.

2:39 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 **Apollo's Warriors**, Groveport, Ohio.

3:02 p.m. The hearing ended and the record was closed.

Mr. Moné 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. Yarosh and a roll-call vote was conducted by Vice President Weaver as follows: Cox-yes; Moné-yes; Newlon-yes; Passafume-yes; Rudell-yes; Wilt-yes and Yarosh-yes.

4:02 p.m. The recess ended and the hearing was opened to the public.

R-2018-045 After votes were taken in public session, the Board adopted the following order in the matter of **Apollo's Warriors**, Groveport, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2016-1528)

In The Matter Of:

Apollo's Warriors

4854 Vantage Way

Groveport, OH 43125

(License No. 02-2575450)

INTRODUCTION

The Matter of Apollo's Warriors came for consideration on August 8, 2017, before the following members of the State of Ohio Board of Pharmacy (Board): Fred M. Weaver, RPh, *Presiding*; Michael A. Moné, RPh; Richard J. Newlon, *Public Member*; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Shawn C. Wilt, RPh and Kilee S. Yarosh, RPh.

Megan E. Marchal, RPh and Joshua M. Cox, RPh; Absent.

Apollo's Warriors were not present nor represented by Counsel. The State of Ohio was represented by Steven Kochheiser, Assistant Attorney General.

SUMMARY OF EVIDENCEState's Witnesses:

1. John West—State of Ohio Board of Pharmacy

Respondent's Witness:

None

State's Exhibits:

- | | | |
|----|---|------------|
| 1. | Notice of Opportunity for Hearing | 12-19-2016 |
| 2. | Credential View Screen | 05-03-2017 |
| 3. | Terminal Distributor of Dangerous Drugs Application | 12-04-2015 |
| 4. | Secretary of State Documents | 01-04-2016 |
| 5. | Training Certifications | No Date |
| 6. | Email from Board of Pharmacy | 02-29-2016 |
| 7. | Training Contract with New Martinsville Police Department | 03-01-2016 |
| 8. | Board of Pharmacy Inspection Report | 05-03-2016 |

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 December 7, 2015, the Board received an application for a Category III Terminal Distributor of Dangerous Drugs license from Apollos Warriors by and through Logan Coyer who did sign and submit the document seeking to use dangerous drugs to train and breed work dogs in the area of narcotics, obedience, tracking, and apprehension.
2. During the investigation by an Agent of the Board, Logan Coyer confirmed that he was not a police officer or certified by the Ohio Peace Officer Training Commission. Mr. Coyer explained to the Agent that he has entered into a training contract with the New Martinsville Police Department and was currently searching for police departments to purchase the trained canines. While conducting an inspection of the facility located at a residential building, the Agent discovered that Apollos Warriors was not affiliated with law enforcement and did not employ a pharmacist or licensed health professional authorized to prescribe drugs.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact constitutes a violation of each of the following divisions of Section 4729.55 of the ORC:
 - a. The applicant is equipped as to land, buildings, and equipment to properly carry on the business of a terminal distributor of dangerous drugs within the category of licensure approved by the board, ORC Section 4729.55(A); and

b. A pharmacist, licensed health professional authorized to prescribe drugs, animal shelter licensed with the state board of pharmacy under section 4729.531 of the Revised Code, or a laboratory as defined in section 3719.01 of the Revised Code will maintain supervision and control over the possession and custody of dangerous drugs that may be acquired by or on behalf of the applicant, ORC Section 4729.55(B); and

c. Adequate safeguards are assured to prevent the sale or other distribution of dangerous drugs by any person other than a pharmacist or licensed health professional authorized to prescribe drugs, ORC Section 4729.55(C).

DECISION OF THE BOARD

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 Apollo's Warriors on or about December 4, 2015.

Pursuant to Chapter 4729-9-01(I) of the Ohio Administrative Code, Apollo's Warriors may not reapply for any State of Ohio Board of Pharmacy license for a minimum of 12 months.

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

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

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

SO ORDERED.

3:12 p.m.

Mr. Cox returned to the meeting.

Mr. McNamee led a discussion regarding rule 4729-17-11.

R-2018-046

Mr. Moné moved that the Board approve rule 4729-17-11 as amended for filing with JCARR. The motion was seconded by Mr. Passafume and approved by the Board: Aye-7.

R-2018-047

Mr. Wilt moved that the Board approve the following Resolution:

Board-Approved Third-Party Intermediaries

A Board-approved third-party intermediary that converts non-controlled prescriptions into computer generated faxes only if the conversion is necessitated by a temporary telecommunication outage of the third-party intermediary or receiving pharmacy shall comply with the following as a condition of maintaining Board approval in accordance with rule 4729-5-30 of the Ohio Administrative Code:

- The computer-generated fax must be able to identify the name of the Board-approved thirty party intermediary on the computer-generated fax.
- The computer-generated fax must clearly display verbiage on the prescription indicating the fax is the result of the temporary telecommunication issue or outage.
- As a condition of the Board-approval, the third-party intermediary shall submit proof of compliance with this resolution prior to the implementation of rule 4729-5-30. This deadline may be extended by an additional 90-days if the third-party intermediary submits a request to the Board.

The motion was seconded by Mr. Passafume and approved by the Board: Aye-7.

3:25 p.m. Mr. McNamee presented the public comments regarding the Pharmacy Technician rules packet.

R-2018-048 Mr. Passafume moved that the Board approve the Pharmacy Technician rules packet for filing with JCARR. The motion was seconded by Ms. Yarosh and approved by the Board: Aye-7.

5:35 p.m. Mr. Moné 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 Mr. Cox and a roll-call vote was conducted by Vice President Weaver as follows: Cox-yes; Moné-yes; Newlon-yes; Passafume-yes; Rudell-yes; Wilt-yes and Yarosh-yes

5:50 p.m. The meeting reconvened in Room South B&C.

The Board recessed for the day.

Wednesday, August 9, 2017

10:08 a.m. The State of Ohio 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:

Fred M. Weaver, RPh, *Presiding*; Joshua M. Cox, RPh; Michael A. Moné, RPh; Richard J. Newlon, *Public Member*; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Shawn C. Wilt, RPh. and Kilee S. Yarosh, RPh.

Megan E. Marchal, RPh—Absent.

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 **Pa S. Lee**, Green Bay, Wisconsin.

10:41 a.m. The hearing ended and the record was closed.

Mr. Moné 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 Mr. Passafume and a roll-call vote was conducted by Vice President Weaver as follows: Cox-yes; Moné-yes; Newlon-yes; Passafume-yes; Rudell-yes; Wilt-yes and Yarosh-yes.

10:50 a.m. The recess ended and the hearing was opened to the public.

R-2018-049 After votes were taken in public session, the Board adopted the following order in the matter of **Pa S. Lee**, Green Bay, Wisconsin.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2017-1740)

In The Matter Of:

Pa S. Lee

346 Wagon Wheel Ct.
Green Bay, WI 54301
(License No. 06-015783)

INTRODUCTION

The Matter of Pa S. Lee came for hearing on August 9, 2017, before the following members of the State of Ohio Board of Pharmacy (Board): Fred M. Weaver, *Presiding*; Joshua M. Cox, RPh; Michael A. Moné, RPh; Richard J. Newlon, *Public Member*; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Shawn C. Wilt, RPh and Kilee S. Yarosh, RPh.

Megan M. Marchal, RPh; Absent.

Pa S. Lee was represented by Todd Collis. The State of Ohio was represented by Steven Kochheiser, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Pa S. Lee—Respondent

Respondent's Witnesses:

1. Pa S. Lee—Respondent

State's Exhibits:

- | | | |
|----|---|------------|
| 1. | Notice of Opportunity for Hearing/Proposal to Deny Intern Application | 06-26-2017 |
| 2. | Request for Hearing | 07-10-2017 |
| 3. | Notice of Hearing | 07-13-2017 |
| 4. | A-Intern Application | 03-31-2017 |
| | B-Application Letter | 04-03-2017 |
| | C-Application Documents | 10-27-2008 |
| 5. | Certified Records from Winnebago Co., WI | 05-28-2010 |

Respondent's Exhibits:

- | | | |
|----|--|------------|
| A. | Wisconsin Circuit Court: Oshkosh, City vs. Pa S. Lee, Winnebago County, Case 2008 CM 001833 | 07-12-2017 |
| B. | Wisconsin Circuit Court: Oshkosh, City vs. Pa S. Lee, Winnebago County, Case 2015 TR 000389 | 07-12-2017 |
| C. | Wisconsin Circuit Court: Oshkosh, City vs. Pa S. Lee, Winnebago County, Case 2015 TR 000406 | 07-12-2017 |
| D. | Pa Lee Resume | No Date |
| E. | Letters of Recommendation | Various |

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 Pa S. Lee's renewal application submitted on or about March 31, 2017, she answered "Yes" to the question inquiring in the last 18 months whether she has ever been charged or convicted of a felony or misdemeanor other than a minor traffic violation (even if expunged or sealed)?" She provided information regarding the following incidents:

a. On or about October 21, 2008, she was arrested in Neenah, Wisconsin for misdemeanor theft. She acknowledged that she had taken a laptop that she thought belonged to her boyfriend. On February 9, 2009, as part of a diversion program, she was sentenced to pay fees, 40 hours of community service work, and to pay \$1,778.99 in restitution to the victim. Wisconsin Circuit Court: Oshkosh, City vs. Pa S Lee, Winnebago County, Winnebago Count, 2008 CM 00133.

b. On or about January 11, 2015, she was arrested in Oshkosh, Wisconsin, for operating a vehicle while intoxicated. Information she provided from the police report indicated this incident stemmed from a disturbance call at a Taco Bell, where one of the passengers in the car she was driving got into an altercation with other subjects in the drive through lane. During the investigation, she consented to participate in field sobriety tests which she did not pass, including a Portable Breath Test result of a BAC of .15. On or about August 4, 2015, she was ordered to complete a driver safety plan, including an alcohol assessment, had her driver's license briefly revoked, and to pay fines and fees. Wisconsin Circuit Court: Oshkosh, City vs. Pa S Lee, Winnebago County, 2015 TR 000389.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact constitutes a violation of Section 4729.08(B) of the ORC.
2. Such conduct as set forth in the Findings of Fact constitutes a violation of each of the following divisions of Rule 4729-5-04 of the OAC:
 - a. Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, OAC Rule 4729-5-04(A); and
 - b. Violated...any of the provisions of Chapters 4729...of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729-5-04(B); and

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 by Pa S. Lee on or about March 31, 2017. The Intern license is to be issued and effective immediately.

Mr. Cox moved for Findings of Fact; Ms. Rudell seconded the motion. Motion passed (Aye-7/Nay-0).

Mr. Wilt moved for Conclusions of Law; Mr. Cox seconded the motion. Motion passed (Aye-7/Nay0-).

Ms. Yarosh moved for Action of the Board; Mr. Passafume seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

10:52 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 **Matthew Pacanovsky**, Columbus, Ohio.

12:10 p.m. The Board recessed briefly.

12:18 p.m. The meeting reconvened in Room South B&C.

12:52 p.m. The hearing ended and the record was closed.

Mr. Moné 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 Vice President Weaver as follows: Cox-yes; Moné-yes; Newlon-yes; Passafume-yes; Rudell-yes; Wilt-yes and Yarosh-yes.

1:13 p.m. The recess ended and the hearing was opened to the public.

R-2018-050 After votes were taken in public session, the Board adopted the following order in the matter of **Matthew Pacanovsky**, Columbus, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2016-2101)

In The Matter Of:

Matthew Pacanovsky, R.Ph.

1479 Teeway Drive

Columbus, OH 43220

(License No. 03-2-26483)

INTRODUCTION

The Matter of Matthew Pacanovsky came for hearing on August 9, 2017, before the following members of the State of Ohio Board of Pharmacy (Board): Fred M. Weaver, RPh, *Presiding*; Joshua M. Cox, RPh; Michael A. Moné, RPh; Richard J. Newlon, *Public Member*; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Shawn C. Wilt, RPh and Kilee S. Yarosh, RPh.

Megan E. Marchal, RPh; Absent.

Matthew Pacanovsky was represented by Elizabeth Collis. The State of Ohio was represented by Steven Kochheiser, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Matthew Pacanovsky—Respondent
2. Jason Doty—State of Ohio Board of Pharmacy

Respondent's Witnesses:

1. Matthew Pacanovsky—Respondent

State's Exhibits:

- | | | |
|----|--|------------|
| 1. | Summary Suspension/Notice of Opportunity for Hearing | 03-22-2017 |
| 2. | Request for Hearing | 03-27-2017 |
| 3. | Notice of Hearing | 03-27-2017 |
| 4. | Credential View Screen | 05-03-2017 |
| 5. | Bee Cave, TX Police Dept. Certified Records | 01-24-2017 |
| 6. | Travis County, TX District Court Certified Records | 12-23-2016 |
| 7. | Texas State Board of Pharmacy Certified Records | 03-14-2017 |
| 8. | Upper Arlington Police Department Certified Records | 12-23-2016 |
| 9. | Upper Arlington Mayor's Court Certified Records | 12-23-2016 |

Respondent's Exhibits:

- | | | |
|----|--|---------|
| A. | Curriculum Vitae of Matthew Pacanovsky | No Date |
|----|--|---------|

| | | |
|-----|---|------------|
| B. | Professional Recovery Network Support Agreement | 05-24-2014 |
| B1. | Professional Recovery Network Support Agreement | 03-21-2017 |
| B2. | Letter of Eden Males, LMSW at Professional Recovery Network | 06-20-2017 |
| B3. | Professional Recovery Network Quarterly Progress Reports | Various |
| C. | Glenbeigh Discharge Plan | |
| D. | Conditions of Community Supervision in the matter of The State of Texas v. Matthew Pacanovsky, Case No. D1DC15600405 | 12-12-2016 |
| E. | Texas Board of Pharmacy Agreed Order | 02-10-2017 |
| F. | Letter of Ronald Sachs, MD | 01-29-2016 |
| F1. | Letter of Ronald Sachs, MD | 05-18-2016 |
| F2. | Letter of Ronald Sachs, MD | 09-14-2016 |
| F3. | Letter of Ronald Sachs, MD | 12-22-2016 |
| G. | Letter from Dublin Springs to PRN | 01-13-2017 |
| H. | Letter of Sarah Shearer | 07-25-2017 |
| I. | Drug Screens | Various |
| J. | Meeting Attendance Logs | Various |
| K. | Letters of Support | Various |
| L. | Statement of Matthew Pacanovsky | 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:

2. Matthew Pacanovsky, is addicted to the use of controlled substances in violation of Section 3719.121(A) of the ORC and/or there is a clear and convincing evidence that continuation of his professional practice or method of prescribing or personally furnishing controlled substances or dangerous drugs presents a danger of immediate and serious harm to others as set forth in Section 3719.121(B) of the ORC, to wit:

a. On or about October 2013 through January 2015, he worked as a pharmacist at a CVS Pharmacy in Texas. During his period of employment, he served as the pharmacist in charge.

b. An audit was conducted and it was discovered the pharmacy was missing approximately 7,051 tablets of oxycodone, 680 tablets of alprazolam, and 110 tablets of Oxycontin. Records of dispensing and purchase showed consistent diversion at the pharmacy between October 2013 through January 2015.

c. Matthew Pacanovsky was interviewed by a Drug Enforcement Administration (DEA) Agent and he admitted to stealing prescription medications of varying amounts and strengths from the pharmacy and described how he carried out those thefts. During this interview, he also admitted that he took the medication for personal use.

3. Matthew Pacanovsky, was convicted of a felony drug offense in another jurisdiction that is essentially the same as a felony drug abuse offense in violation of Section 3719.121(C) of the ORC, to wit: On or about December 12, 2016, he pled guilty to Diversion of Controlled Substances, a felony offense, in the 450th District Court of Travis County, Texas. He was ordered to not accept employment where he has direct control and contact with prescription medications, required to

pay \$10,435.98 in restitution, and complete a substance abuse assessment. Case No. D1DC15600405.

4. On or about February 7, 2017, Matthew Pacanovsky was disciplined by the Texas State Board of Pharmacy. In the order issued by the Texas Board, his license to practice pharmacy was suspended, effective February 17, 2017, and will continue for the longer of nine (9) months or until such time as written documentation is provided by a mutually acceptable mental health professional which states he did not have an incapacity of a nature that prevents him from engaging in the practice of pharmacy with reasonable skill, competence, and safety to the public; and are able to return to the practice of pharmacy without posing a danger to the public. The order included an additional provision that stated he may not practice pharmacy or be employed in any manner which would allow him access to prescription drugs during the period that his license is suspended. ABO #G-17-001.

5. On or about July 29, 2016, Matthew Pacanovsky was charged with criminal damaging, a misdemeanor offense, in the Upper Arlington Mayor's Court. On or about December 8, 2016, he entered a plea of no contest to an amended charge of disorderly conduct, a misdemeanor offense. He was sentenced to serve one (1) year of reporting probation and required to pay \$1,894.45 in restitution to the victim. Case No. 2016CRB00152.

CONCLUSIONS OF LAW

5. Such conduct as set forth in the Findings of Fact constitutes theft of dangerous drugs, in violation of Section 2913.02(A)(1) of the ORC.

6. Such conduct as set forth in the Findings of Fact constitutes a violation of Section 2925.11(A) of the ORC.

7. Such conduct as set forth in the Findings of Fact constitutes the following violations of the ORC:

a. Guilty of a felony or gross immorality, ORC 4729.16(A)(1); and

b. Guilty of dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16(A)(2); and

c. Addicted to or abusing alcohol or drugs or impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, ORC 4729.16(A)(3); and

d. Guilty of willfully violating any of the provisions of this chapter or any rule adopted by the board under those provisions, ORC 4729.16(A)(5).

8. Such conduct as set forth in the Findings of Fact constitutes the following violations of the Ohio Administrative Code (OAC):

- a. Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, OAC Rule 4729-5-04(A); and
- b. Violated...any of the provisions of Chapters 4729., 3715., 3719., and 2925. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729-5-04(B); and
- c. Committed acts that constitute gross immorality, OAC Rule 4729-5-04(C); and
- d. Is addicted to or abusing alcohol, drugs or other chemical substances or impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, OAC Rule 4729-5-04(D); and
- e. Has been disciplined by any professional licensing board, OAC Rule 4729-5-04(F).

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 Matthew Pacanovsky on March 22, 2017.

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. 03-2-26483, held by Matthew Pacanovsky and such suspension is effective as of the date of the mailing of this Order.

1. Matthew Pacanovsky, 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.
2. Matthew Pacanovsky, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her/his identification card and license (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, Matthew Pacanovsky may not petition the Board for reinstatement of his Ohio Pharmacist license until such time as an Order is issued in Texas Criminal Cause No. D1DC15600405 releasing Mathew Pacanovsky from term 31 of "Order of the Court Deferring Further Proceedings" dated December 15, 2016, which prohibits Matthew Pacanovsky from accepting employment where he will have direct control and contact with prescription medication. The Board will consider any petition filed by 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:

1. Matthew Pacanovsky must maintain a current address with the Board throughout the duration of the suspension.

2. Matthew Pacanovsky must enter into and adhere to the terms of 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. Failure to adhere to the terms of the treatment contract will be considered a violation of the Board's Order and subject [Petitioner] to potential sanctions up to and including revocation of license. The contract must provide that:
 - a. **Random, observed** urine drug screens shall be conducted at least once each month.
 - b. 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.
 - c. Alcohol and Ethyl Glucuronide (ETG) must be added to the standard urine drug screen.
 - d. 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.
 - e. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the Matthew Pacanovsky in a timeframe consistent with the drug lab's recommended policy, but in any event no later than 12 days after the negative diluted screen.
 - f. 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.
 - g. Attendance is required a minimum of three times per calendar week (Sunday through Saturday) on separate days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - h. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
3. Matthew Pacanovsky shall not refuse an employer provided drug or alcohol screen. If the Board becomes aware of any positive drug or alcohol screen results that were obtained in the course of employment or any mechanism other than via the signed contract with ODMHAS, the Board shall treat these results as a violation of the Board's Order and request Matthew Pacanovsky reappear before the Board for possible additional sanctions, including and up to revocation of license.
4. Matthew Pacanovsky shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of suspension. The Board shall treat any such refusal as a violation of the Board's Order and request Matthew Pacanovsky reappear before the Board for possible additional sanctions, including and up to revocation of license.

5. Matthew Pacanovsky must immediately report any violation of the terms of this suspension to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject Matthew Pacanovsky to possible additional sanctions, including and up to revocation of license.
6. Matthew Pacanovsky must demonstrate satisfactory proof to the Board that he 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.
7. Matthew Pacanovsky must provide, in the reinstatement petition, documentation of the following:
 - a. 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.);
 - b. 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;
 - c. Compliance with the terms of this Order.
8. If reinstatement is not accomplished within **three years** of the effective date of this Order, Matthew Pacanovsky must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination approved by the Board.
9. Any reinstatement shall not occur until such time as any criminal intervention in lieu of conviction has been successfully completed.
10. Violation of any term of suspension, including but not limited to any violation of the contract signed with the ODMHAS or other approved treatment provider may result in additional action before the Board up to and including revocation of your pharmacy license.
11. Any violation of Chapters 2925., 3715., 3719., 4729., of the Ohio Revised Code, any administrative code violation or a violation of any other state or federal law will be considered a violation of this Order resulting in a hearing before the Board and may also result in criminal and/or administrative charges.
12. If Matthew Pacanovsky's employment is related to the practice of pharmacy, Matthew Pacanovsky must notify employer of the terms of Matthew Pacanovsky's suspension and this Board's Order.
13. Failure to complete the terms set forth in this Board's Order, or to petition for reinstatement within five years of the date of this Order, will result in the Board issuing a notice of opportunity for hearing to consider additional disciplinary action, including and up to revocation of Matthew Pacanovsky's license.

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

Ms. Yarosh moved for Conclusions of Law; Mr. Moné seconded the motion. Motion passed (Aye-7/Nay-0).

Ms. Yarosh moved for Action of the Board; Mr. Wilt seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

R-2018-051 Mr. Wilt moved that the meeting minutes of July 10-12, 2017, be approved as written. The motion was seconded by Mr. Newlon and approved by the Board: Aye-7.

R-2018-052 Mr. Wilt moved that the conference call minutes of July 24, 2017, be approved as written. The motion was seconded by Mr. Newlon and approved by the Board: Aye-7.

R-2018-053 Mr. Weaver announced the following Settlement Agreement has been signed by all parties and is now effective:

**IN THE MATTER OF:
CASE No. 2013-1386**

RX Pro Pharmacy & Compounding
c/o Runglak Kitiyasavatdi
936 W. Hallandale Beach Blvd.
Hallandale Beach, FL 33009
License No. 02-2258300

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 (Board) and RX Pro Pharmacy & Compounding, for the purpose of resolving all issues between the parties relating to the Board investigation of the negative answer to the legal question on their terminal distributor of dangerous drugs application. Together, the Board and RX Pro Pharmacy & Compounding 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 Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. RX Pro Pharmacy & Compounding is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2258300.

FACTS

1. On or about April 22, 2013, the Board initiated an investigation of RX Pro Pharmacy & Compounding, Terminal Distributor of Dangerous Drugs license number 02-2258300, related to RX Pro Pharmacy & Compounding's negative answer to the legal question on their terminal distributor of dangerous drugs application
2. On or about July 6, 2017, the Board sent a Notice of Opportunity for Hearing to RX Pro Pharmacy & Compounding, 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.

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. RX Pro Pharmacy & Compounding neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 6, 2017; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Mitchell Barret agrees to pay to the Board a monetary penalty in 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 Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
4. Angela Hotard agrees to pay to the Board a monetary penalty in the amount of \$300.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
5. RX Pro Pharmacy & Compounding agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
6. RX Pro Pharmacy & Compounding 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 RX Pro Pharmacy & Compounding 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 RX Pro Pharmacy & Compounding by the Board and will NOT discharge RX Pro Pharmacy & Compounding from any obligation under the terms of this Agreement.

7. RX Pro Pharmacy & Compounding agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

8. RX Pro Pharmacy & Compounding understands that it has the right to be represented by counsel for review and execution of this agreement.

9. 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 RX Pro Pharmacy & Compounding will operate.

10. RX Pro Pharmacy & Compounding waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to appeal.

11. 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.

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

13. 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-2018-054

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

**IN THE MATTER OF:
CASE NO. 2017-1807**

James A. Addo
600 Main St., Apt. #506
Worcester, MA 01608

**PENDING Intern License No. 06-014050
PENDING Pharmacist License No. 03-237461**

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 (Board) and James A. Addo, for the purpose of resolving all issues between the parties relating to the Board investigation of James Addo's truthful answer to the legal question on the Ohio intern and pharmacist applications. Together, the Board and James A. Addo 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 4729.11 of the Ohio Revised Code to practice pharmacy as an intern in the state of Ohio.
2. James Addo submitted an application for registration as a pharmacy intern under pending license number 06-014050, and an application for registration as a pharmacist in the state of Ohio under license number 03-237461.

FACTS

1. On or about June 22, 2017, the Board initiated an investigation of James A. Addo, intern license number 06-16035, related to James A. Addo's truthful answer to the legal question on the Ohio intern and pharmacist applications.
2. On or about July 7, 2017 the Board sent a Notice of Opportunity for Hearing to James A. Addo, 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 A. Addo neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 7, 2017; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. James A. Addo agrees to pay to the Board a monetary penalty in 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 Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
4. James A. Addo must obtain, within 90 days from the effective date of this Agreement, one hour of approved continuing pharmacy education (0.1 CEUs) in human trafficking, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. Upon completion of Terms 3 and 4 as stated herein and after providing proof of same to the Board, the Intern License No. 06-014050 will be issued. Pharmacist License No. 03-237461 will be eligible for issuance upon completion of the remainder of the licensure process, including passing the requisite examination(s).

6. James A. Addo 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 A. Addo understands that he has the right to be represented by counsel for review and execution of this agreement.
 8. James A. Addo 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, including to the Board on renewal applications or applications for a new license.
 9. James A. Addo waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
 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.
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R-2018-055

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

**IN THE MATTER OF:
CASE No. 2016-1426**

Faith Wellness and Pregnancy Center
c/o Charles Hurst, MD
2355 E. 55th Street
Cleveland, Ohio 44104
License No. 02-1871700

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 (Board) and Faith Wellness and Pregnancy Center, for the purpose of resolving all issues between the parties relating to the Board investigation of illegal drug purchases from a non-licensed facility. Together, the Board and Faith Wellness and Pregnancy Center 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 Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.

2. Faith Wellness and Pregnancy Center is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1871700.

FACTS

1. On or about April 11, 2016, the Board initiated an investigation of Faith Wellness and Pregnancy Center, Terminal Distributor of Dangerous Drugs license number 02-1871700, related to Faith Wellness and Pregnancy Center's illegal drug purchases from a non-licensed facility.
2. On or about June 29, 2017, the Board sent a Notice of Opportunity for Hearing to Faith Wellness and Pregnancy Center, 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.

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. Faith Wellness and Pregnancy Center neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated June 29, 2017; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Faith Wellness and Pregnancy Center agrees to pay to the Board a monetary penalty in 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 Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
4. Faith Wellness and Pregnancy Center agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Faith Wellness and Pregnancy Center 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 Faith Wellness and Pregnancy Center 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 Faith Wellness and Pregnancy Center by the Board and will NOT discharge Faith Wellness and Pregnancy Center from any obligation under the terms of this Agreement.

6. Faith Wellness and Pregnancy Center agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

7. Faith Wellness and Pregnancy Center 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 Faith Wellness and Pregnancy Center will operate.

9. Faith Wellness and Pregnancy Center waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to appeal.

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-2018-056

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

**IN THE MATTER OF:
CASE NO. 2016-1679**

Larry Doss, M.D.
2865 Wheeling Road
Lancaster, Ohio 43130

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 (Board) and Larry Doss, M.D., for the purpose of resolving all issues between the parties relating to the Board investigation of unlawful access of the OARRS database. Together, the Board and Larry Doss, M.D. are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.86 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to restrict a person from obtaining further information from the drug database known as the Ohio Automated Rx Reporting System (OARRS).

2. Larry Doss, M.D. signed the OARRS user agreement on January 3, 2011, and is an authorized user of the OARRS database.

FACTS

1. On or about June 21, 2016, the Board initiated an investigation of Larry Doss, M.D.'s unlawful access of the OARRS database.
2. On or about March 14, 2017, the Board sent a Notice of Opportunity for Hearing to Larry Doss, M.D., 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 April 11, 2017, Larry Doss, M.D. timely requested an administrative hearing, which was subsequently scheduled for September 12, 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. Larry Doss, M.D. neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated March 14, 2017; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Larry Doss, M.D. shall submit acceptable documentation of successful completion of a course or courses dealing with personal/professional ethics and/or proper use of OARRS, for a total of six (6) hours. Any course(s) taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for re-licensure for the Continuing Medical Education period(s) in which they are completed. Copies of completed continuing education courses must be e-mailed to legal@pharmacy.ohio.gov within 90 days of completion.
4. The Board continues to authorize Larry Doss, M.D.'s access to OARRS to prescribe medication for his patients currently under treatment.
5. Larry Doss, M.D. agrees to refrain from the unlawful use of the OARRS database.
6. Larry Doss, M.D. agrees to submit monthly compliance reports for a minimum of twelve months regarding his proper use of the OARRS database for the Board's review. Reports must be e-mailed to legal@pharmacy.ohio.gov.
7. Larry Doss, M.D. agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

8. Larry Doss, M.D. understands that he has the right to be represented by counsel for review and execution of this agreement.
 9. Larry Doss, M.D. waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, specifically withdraws his request for a hearing, and waives any right to an appeal.
 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.
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R-2018-057

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

**IN THE MATTER OF:
CASE No. 2016-2081**

Diabetes Corporation of America
c/o West Conner, PharmD
233 Bedford Way
Franklin, TN 37064
License No. 02-2262050

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 (Board) and Diabetes Corporation of America, for the purpose of resolving all issues between the parties relating to the Board investigation of illegal drug sales to a non-licensed facility. Together, the Board and Diabetes Corporation of America 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 Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Diabetes Corporation of America is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2262050.

FACTS

1. On or about September 18, 2016, the Board initiated an investigation of Diabetes Corporation of America, Terminal Distributor of Dangerous Drugs license number 02-2262050,

related to Diabetes Corporation of America's illegal drug sales to a non-licensed facility, Columbus Men's Clinic located in Columbus, Ohio.

2. On or about July 18, 2017, the Board sent a Notice of Opportunity for Hearing to Diabetes Corporation of America, 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.

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. Diabetes Corporation of America neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 18, 2017; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.

3. Diabetes Corporation of America agrees to pay to the Board a monetary penalty in the amount of \$4,400.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.

4. Diabetes Corporation of America agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.

5. Diabetes Corporation of America 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 Diabetes Corporation of America 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 Diabetes Corporation of America by the Board and will NOT discharge Diabetes Corporation of America from any obligation under the terms of this Agreement.

6. Diabetes Corporation of America agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

7. Diabetes Corporation of America 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 Diabetes Corporation of America will operate.
 9. Diabetes Corporation of America waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to appeal.
 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.
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R-2018-058

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

**IN THE MATTER OF:
CASE NO. 2015-1773**

Kroger Pharmacy #014920
c/o Michael Pleiman, Jr.
1014 Vine Street
Cincinnati, Ohio 45202
License No. 02-2033200

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 (Board) and Kroger Pharmacy #014920, for the purpose of resolving all issues between the parties relating to the Board investigation of the error in dispensing of prescription number 7700137. Together, the Board and Kroger Pharmacy #014920 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 Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Kroger Pharmacy #014920 is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2033200.

FACTS

1. On or about September 15, 2015, the Board initiated an investigation of Kroger Pharmacy #014920, Terminal Distributor of Dangerous Drugs license number 02-2033200, related to Kroger Pharmacy #014920's error in dispensing of prescription number 7700137.
2. On or about March 14, 2017, the Board sent a Notice of Opportunity for Hearing to Kroger Pharmacy #014920, 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.

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. Kroger Pharmacy #014920 neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated March 14, 2017; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Kroger Pharmacy #014920 agrees to pay to the Board a monetary penalty 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 Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
4. Kroger Pharmacy #014920 agrees to continue education and training of its pharmacy staff in Ohio pharmacy rules and regulations.
5. Kroger Pharmacy #014920 agrees to continue quarterly education meetings.
6. Kroger Pharmacy #014920 agrees to continue education and training of its pharmacy staff, including technicians, in proper handling of returned and restocked medications.
7. Kroger Pharmacy #014920 agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
8. Kroger Pharmacy #014920 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 Kroger

Pharmacy #014920 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 Kroger Pharmacy #014920 by the Board and will NOT discharge Kroger Pharmacy #014920 from any obligation under the terms of this Agreement.

9. Kroger Pharmacy #014920 agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

10. Kroger Pharmacy #014920 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 Kroger Pharmacy #014920 will operate.

12. Kroger Pharmacy #014920 waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, withdraws its request for a hearing, and waives any right to an appeal.

13. 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.

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

15. 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-2018-059

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

**IN THE MATTER OF:
CASE No. 2014-2150**

Angel's Rest Animal Sanctuary
c/o Perla Medina-Kinne
2477 Country Place
New Richmond, Ohio 45157
License No. 02-2131750

And

Angel's Rest Animal Sanctuary
1273 Ohio Pike
Amelia, Ohio 45102
Unlicensed Location

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 (Board) and Angel's Rest Animal Sanctuary, for the purpose of resolving all issues between the parties relating to the Board investigation of the purchase of dangerous drugs not authorized under their license and addendum approved by the Board and for transfer of dangerous drugs to an unlicensed location. Together, the Board and Angel's Rest Animal Sanctuary 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 Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Angel's Rest Animal Sanctuary 2477 Country Place, New Richmond, Ohio 45157 is a licensed Terminal Distributor of Dangerous Drugs under license number 02-2131750.
3. Angel's Rest Animal Sanctuary, located at 1273 Ohio Pike (formerly known as 1263 B Ohio Pike) is not licensed.

FACTS

1. On or about December 15, 2014, the Board initiated an investigation of Angel's Rest Animal Sanctuary, Terminal Distributor of Dangerous Drugs license number 02-2131750, related to the Board investigation of the purchase of dangerous drugs not authorized under their license and addendum approved by the Board and for transfer of dangerous drugs to an unlicensed location.
2. On or about June 27, 2017, the Board sent a Notice of Opportunity for Hearing to Angel's Rest Animal Sanctuary, 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.

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. Angel's Rest Animal Sanctuary neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated June 27, 2017; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.

3. Angel's Rest Animal Sanctuary agrees to pay to the Board a monetary penalty in 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 Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
4. Angel's Rest Animal Sanctuary located at 1273 Ohio Pike, Amelia, OH 45102 agrees to immediately, but no later than the effective date of this agreement, apply for a Terminal Distributor of Dangerous Drugs License.
5. No later than thirty days from the effective date of this Agreement, Angel's Rest Animal Sanctuary must hire a Board-approved Pharmacist Consultant for a period of three years who will service both Angel's Rest Animal Sanctuary locations and licenses, should a license be granted to the 1273 Pike Road location. The consultant must submit semi-annual reports to the Board detailing Angel's Rest Animal Sanctuary's compliance with Board rules and regulations, the first report due January 10, 2018. Reports must be e-mailed to legal@pharmacy.ohio.gov.
6. Angel's Rest Animal Sanctuary's license(s) will be placed on probation for a period of three years during which compliance with all Board rules and regulations must be met, including security and control of drug stock and record keeping.
7. Angel's Rest Animal Sanctuary agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
8. Angel's Rest Animal Sanctuary 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 Angel's Rest Animal Sanctuary 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 Angel's Rest Animal Sanctuary by the Board and will NOT discharge Angel's Rest Animal Sanctuary from any obligation under the terms of this Agreement.
9. Angel's Rest Animal Sanctuary agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
10. Angel's Rest Animal Sanctuary 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 Angel's Rest Animal Sanctuary will operate.
12. Angel's Rest Animal Sanctuary waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to appeal.

13. 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.

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

15. 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-2018-060

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

**IN THE MATTER OF:
CASE NO. 2015-1297**

David Stahl
8928 Orchard Lake Rd.
Holland, Ohio 43528
License No. 03-2-11199

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 (Board) and David Stahl, for the purpose of resolving all issues between the parties relating to the Board investigation of the error in dispensing of RX1795573. Together, the Board and David Stahl 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 Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.

2. David Stahl is an Ohio-licensed pharmacist under license number 03-2-11199.

FACTS

1. On or about April 1, 2015, the Board initiated an investigation of David Stahl, pharmacist license number 03-2-11199, related to David Stahl’s the error in dispensing of RX1795573.

2. On or about July 6, 2017, the Board sent a Notice of Opportunity for Hearing to David Stahl, 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. David Stahl neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 6, 2017; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
 3. David Stahl agrees to pay to the Board a monetary penalty in the amount of \$750.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the Board, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
 4. David Stahl 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. David Stahl agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
 6. David Stahl understands that he has the right to be represented by counsel for review and execution of this agreement.
 7. David Stahl 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, including to the Board on renewal applications or applications for a new license.
 8. David Stahl waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives 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.
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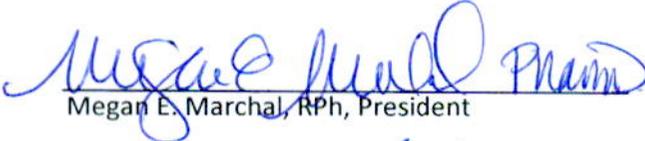
1:19 p.m.

Ms. Dehner presented a request from Parkdale Center for Professionals.

1:27 p.m. Mr. Moné 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 Mr. Passafume and a roll-call vote was conducted by Vice President Weaver as follows: Cox-yes; Moné-yes; Newlon-yes; Passafume-yes; Rudell-yes; Wilt-yes and Yarosh-yes

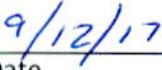
1:35 p.m. The meeting reconvened in Room South B&C.

R-2018-061 Mr. Newlon moved that the meeting be adjourned. The motion was seconded by Mr. Passafume and approved by the Board: Aye-7.


Megan E. Marchal, RPh, President


Date


Steven W. Schierholt, Esq., Executive Director


Date