



**STATE OF
OHIO**
BOARD OF PHARMACY

IN THE MATTER OF:

**Case No. A-2020-0095
I-2019-1325-B**

Drug Store Pharmacy
c/o Kimberly Sloan, RPh
2940 Groveport Road
Columbus, Ohio 43207

License No. 02-0113350

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 Drug Store Pharmacy for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board. Together, the Board and Drug Store Pharmacy are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the 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. Drug Store Pharmacy, located at 2940 Groveport Road, Columbus, Ohio, has a current TDDD license with the Board under license number 02-0113350, which lists Kimberly Sloan, RPh as the Responsible Person.

FACTS

1. On or about October 17, 2019, the Board initiated an investigation of Drug Store Pharmacy, TDDD license number 02-0113350, related to an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board.
2. On or about March 11, 2020, the Board sent a Notice of Opportunity for Hearing to Drug Store Pharmacy, 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.

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

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TERMS

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

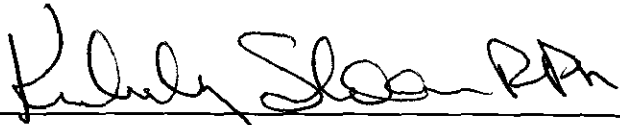
1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Drug Store Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated March 11, 2020, however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Drug Store Pharmacy agrees to pay to the Board a monetary penalty the amount of \$100.00. This fine will be attached to your license record and must be paid no later than 90 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. The Board hereby imposes a written reprimand on Drug Store Pharmacy's license number 02-0113350.
5. Drug Store Pharmacy 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. Drug Store Pharmacy agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Drug Store Pharmacy of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Drug Store Pharmacy by the Board and will NOT discharge Drug Store Pharmacy from any obligation under the terms of this Agreement.
7. Drug Store Pharmacy agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Drug Store Pharmacy 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 Drug Store Pharmacy will operate.
10. Drug Store Pharmacy waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, specifically withdraws its request for a hearing, 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.
14. This Agreement shall become effective upon the date of the Board President's signature below.

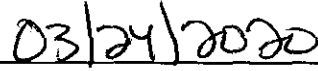
[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties to this Agreement have executed it and/or cause it to be executed by their duly authorized representatives.

Approved by:



Kimberly Sloan, RPh on behalf of,
Drug Store Pharmacy, Respondent



Date of Signature

Attorney for Respondent (if applicable)

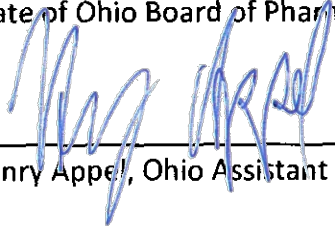
Date of Signature



Shawn C. Wilt, R.Ph. President,
State of Ohio Board of Pharmacy

05.05.2020

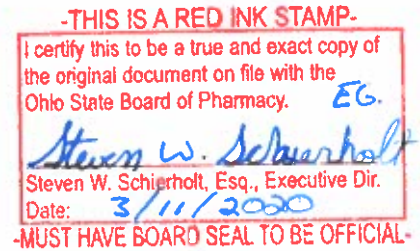
Date of Signature



Henry Appel, Ohio Assistant Attorney General

05.05.2020

Date of Signature



**NOTICE OF OPPORTUNITY FOR HEARING
PROPOSAL TO TAKE DISCIPLINARY ACTION AGAINST
TERMINAL DISTRIBUTOR OF DANGEROUS DRUGS LICENSEE**

IN THE MATTER OF:

**Case No. A-2020-0095
I-2019-1325-B**

Drug Store Pharmacy
c/o Kimberly Sloan, RPh
2940 Groveport Road
Columbus, Ohio 43207

License No. 02-0113350

March 10, 2020

Dear Drug Store Pharmacy and Ms. Kimberly Sloan:

You are hereby notified, in accordance with the provisions of Section 119.07 of the Ohio Revised Code the State of Ohio Board of Pharmacy (Board) proposes to take action against your license as a Terminal Distributor of Dangerous Drugs under authority of Section (TDDD) 4729.57 of the Revised Code.

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 4729.55 of the Ohio Revised Code to practice as a TDDD in the state of Ohio. Additionally, Section 4729.57 of the Revised Code grants the Board the authority to impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or \$1,000 if the acts committed have not been classified as an offense by the Revised Code.
2. Drug Store Pharmacy has a current TDDD license with the Board under license number 02-0113350, which lists Kimberly Sloan, RPh as the Responsible Person.

ALLEGATIONS

1. From July 2019 to on or about October 17, 2019, your employee, Melyssa Wells, worked full-time performing duties as a technician at Drug Store Pharmacy, located at 294 Groveport Road, Columbus, Ohio. On or about September 30, 2019, Melyssa Wells was notified by the Board that she must stop performing duties of a pharmacy technician until she receives her technician registration from the Board.

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2. On or about November 11, 2019, Drug Store Pharmacy's Responsible Person, Kimberly Sloan, RPh, stated the following:
 - a. Melyssa Wells was hired July 2019 to perform duties of a certified pharmacy technician. She trained with a senior pharmacy technician until September 13, 2019, when she completed her in-house training and began working on her own as a technician. She continued to work as a technician until she received her registration on October 17, 2019.
 - b. She did not realize Melyssa Wells was required to register with the Board prior to performing duties of a pharmacy technician.

POTENTIAL VIOLATIONS OF LAW

1. Such conduct as set forth in paragraphs 1(c) and 3(b) of the Allegations Section, if proven, constitutes a violation of Section 4729.95(C) of the ORC, No terminal distributor of dangerous drugs shall knowingly allow any person employed or otherwise under the control of the person who owns, manages, or conducts the terminal distributor to violate division (A) which states: No person who is not a pharmacist, pharmacy intern, registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee shall knowingly engage in any of the activities listed in section 4729.91 of the Revised Code in a location licensed as a terminal distributor of dangerous drugs, a misdemeanor of the second degree, punishable by a maximum penalty of \$4,000.
2. Such conduct as set forth in Allegations Section, if proven, constitutes a violation of each of the following divisions of Section 4729.55 of the ORC, TDDD license requirements, each violation punishable by a maximum penalty of \$1,000: Adequate safeguards are assured that the applicant will carry on the business of a terminal distributor of dangerous drugs in a manner that allows pharmacists and pharmacy interns employed by the terminal distributor to practice pharmacy in a safe and effective manner, ORC 4729.55(D).
3. Such conduct as set forth in Allegations Section, if proven, constitutes a violation of each of the following divisions of Section 4729.57 of the ORC, each violation punishable by a maximum penalty of \$1,000:
 - a. Violating any rule of the board, ORC Section 4729.57(B)(2); and/or
 - b. Violating any provision of this chapter, ORC Section 4729.57(B)(3); and/or
 - c. Violating any provision of the federal drug abuse control laws or Chapter 2925. or 3719. of the Revised Code, ORC Section 4729.57(B)(5); and/or
 - d. Ceasing to satisfy the qualifications of a TDDD set forth in 4729.55 of the Revised Code, ORC Section 4729.57(B)(7); and/or
 - e. Any other cause for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.57(B)(10).
4. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of Rules 4729-9-19(A)(4) and (B)(3)(f) of the OAC, not of good moral character and habits, each punishable by a maximum fine of \$1,000.

YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the State of Ohio Board of Pharmacy, if you request such a hearing within thirty 30 days of the date of the mailing of this notice.

IF YOU DESIRE A HEARING, such request shall either be mailed to the State of Ohio Board of Pharmacy, Attn: Legal, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126 or an e-mail request may be sent to legal@pharmacy.ohio.gov (please note faxes will not be accepted). **YOUR REQUEST MUST BE RECEIVED ON OR PRIOR TO THE 30TH DAY FOLLOWING THE MAILING DATE OF THIS NOTICE.** Please note that if you submit a request via email, your request will be acknowledged within one business day of receipt. If you do not receive an acknowledgment, please contact the Board offices at 614-466-4143 and request the legal department. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you. **If you are a corporation, you must be represented at the hearing by an attorney licensed to practice in the state of Ohio.**

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the 30th day following the mailing of this notice, the State of Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

If you have questions regarding the Chapter 119. Administrative Hearing process, please e-mail your questions to legal@pharmacy.ohio.gov or call the Board office at 614-466-4143 and ask for the legal department.

BY ORDER OF THE STATE BOARD OF PHARMACY


Steven W. Schierholt, Esq., Executive Director

SWS/alg/pae

CMRR: 7019 2970 0001 6895 7803