



IN THE MATTER OF:

CASE NOS. A-2022-0246

A-2023-0054

A-2023-0055

Hock's Vandalia Pharmacy
c/o Jeffrey Bartone, RPh
535 S. Dixie Drive
Vandalia, OH 45377

License No. 02-0124800

SETTLEMENT AGREEMENT WITH THE OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the Ohio Board of Pharmacy (Board) and Hock's Vandalia Pharmacy for the purpose of resolving all issues between the parties relating to the Board investigation of drug security and record keeping. Together, the Board and Hock's Vandalia 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, restrict, limit or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Hock's Vandalia Pharmacy is a licensed Terminal Distributor of Dangerous Drugs under license number 02-0124800.

FACTS

1. The Board initiated an investigation of Hock's Vandalia Pharmacy, Terminal Distributor of Dangerous Drugs license number 02-0124800, related to Hock's Vandalia Pharmacy's drug security and record keeping.
2. On or about March 21, 2024 the Board sent a Notice of Opportunity for Hearing to Hock's Vandalia 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.
3. On or about April 15, 2024, Hock's Vandalia Pharmacy, through counsel Steven P. Goodin, timely requested an administrative hearing, which was subsequently scheduled for December 10, 2024.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative 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. Hock's Vandalia Pharmacy neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated March 21, 2024; 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. Hock's Vandalia Pharmacy agrees to pay to the Board a monetary penalty the amount of \$2,500. This fine will be attached to your license record and must be paid no later than 180 days from the effective date of this Agreement. 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 Hock's Vandalia Pharmacy's TDDD license, number 02-0124800.
5. Hock's Vandalia 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. Hock's Vandalia 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 Hock's Vandalia 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 Hock's Vandalia Pharmacy by the Board and will NOT discharge Hock's Vandalia Pharmacy from any obligation under the terms of this Agreement.
7. Hock's Vandalia 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. Hock's Vandalia 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 Hock's Vandalia Pharmacy will operate.
10. Hock's Vandalia Pharmacy explicitly withdraws its request for a hearing, waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and waives any right to an 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. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
15. This Agreement shall become effective upon the date of the Board President's signature below.

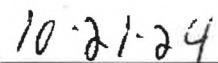
[SIGNATURE PAGE FOLLOWS]

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

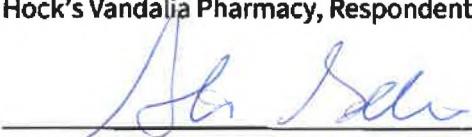
Approved by:



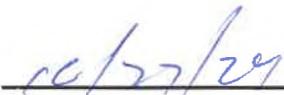
Jeffrey Bartone, RPh, on behalf of,
Hock's Vandalia Pharmacy, Respondent



Date of Signature



Steven P. Goodin
Attorney for Respondent



Date of Signature



Mindy Ferris, RPh, President,
Ohio Board of Pharmacy



Date of Signature



**STATE OF
OHIO**
BOARD OF PHARMACY

-THIS IS A RED INK STAMP-

I certify this to be a true and exact copy of the original document on file with the Ohio State Board of Pharmacy.

Steven W. Schierholt

Steven W. Schierholt, Esq., Executive Dir.

Date: Mar 21, 2024

-MUST HAVE BOARD SEAL TO BE OFFICIAL-

**NOTICE OF OPPORTUNITY FOR HEARING
PROPOSAL TO TAKE DISCIPLINARY ACTION AGAINST LICENSEE**

IN THE MATTER OF:

**CASE NOS. A-2022-0246
A-2023-0054
A-2023-0055**

Hock's Vandalia Pharmacy

c/o Erica Paluf, RPh
535 S. Dixie Drive
Vandalia, OH 45377

License No. 02-0124800

March 21, 2024

Dear Hock's Vandalia Pharmacy and Erica Paluf, RPh

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 (TDDD) under authority of Section 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, restrict, limit, or refuse to grant or renew any license issued pursuant to section 4729.55 of the ORC to practice as a TDDD in the state of Ohio. Additionally, Section 4729.57 of the Ohio 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 ORC.
2. Hock's Vandalia Pharmacy, located at 535 S. Dixie Drive, Vandalia, Ohio, has an active TDDD license with the Board under license number 02-0124800, which lists Erica Paluf as the Responsible Person.

ALLEGATIONS

1. On or about June 17, 2021, agents of the Board conducted an inspection at Hock's Vandalia Pharmacy, located at 535 South Dixie Drive, Vandalia, Ohio. The following issues were found:
 - a. An audit conducted by Board personnel found the pharmacy had a loss of approximately 2,003 tablets of Tylenol 3 and 370 tablets of Tylenol 4 between June 8, 2019, and September 2, 2020, which was not detected and not reported.

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

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- b. Records of ordering, receiving, inventory, and/or dispensing were not sufficient to determine how the losses were occurring.
- c. The Schedule II controlled substance cabinet was found unlocked when not in use during the inspection.
- d. Significant losses of dangerous drugs were not reported to the Board. Noticeable discrepancies in the electronic perpetual inventory were ignored for Tylenol 3 and Tylenol 4. The pharmacists ignored the electronic perpetual inventory and ordered more dangerous drugs to fill prescriptions while their inventory showed sufficient amounts in stock.
- e. Hard copy prescriptions for controlled substances were not clearly notated to indicate receipt by the pharmacy. Pharmacist signature was documented on the removable "backtag."
- f. The pharmacy had not performed and documented an annual query of eLicense prior to purchasing dangerous drugs at wholesale.
- g. Pharmacy engages in non-sterile compounding. Water containing oral formulation (baclofen 10mg/mL) was assigned a Beyond Use Date (BUD) of 30 days. There was not a master formula record for baclofen 10mg/mL. No reference was provided for the BUD which exceeded USP 795 allowances for water containing oral formulas (14 days).
- h. Master formulas for multiple compounds were observed that appeared incomplete. They did not have appropriate BUDs, stability information, and/or reference material.
- i. Expired flavoring agent was found within the active drug stock.
- j. Pharmacists administering immunizations did not maintain proof of successful completion of an immunization training course and/or successful completion of a basic life-support procedures course.

2. An audit was conducted for the period of June 8, 2019, through June 17, 2021, at Hock's Vandalia Pharmacy. The following shortages were found:

- a. 84 tablets of acetaminophen/codeine, 300/15 mg.
- b. 2,083 tablets of acetaminophen/codeine, 300/30mg.
- c. 370 tablets of acetaminophen/codeine, 300/60 mg.
- d. 3,050 tablets of alprazolam, 0.25 mg.
- e. 1,593 tablets of alprazolam, 0.5 mg.
- f. 13,378 tablets of alprazolam, 1 mg.

- g. 1,593 tablets of alprazolam, 2mg.
- h. 10 tablets of alprazolam XR, 0.5 mg.
- i. 34 tablets of alprazolam XR, 3 mg.
- j. 3,474 tablets of zolpidem, 10 mg.
- k. 8,539 tablets of zolpidem, 10 mg.
- l. 2,368 tablets of tramadol, 50 mg.
- m. 881 tablets of hydrocodone/APAP, 5/325 mg.
- n. 557 tablets of oxycodone/APAP, 5/325 mg.
- o. 111 tablets of oxycodone, 10 mg.

3. On or about February 1, 2022, Hock's Vandalia Pharmacy submitted a theft and loss report outside the thirty-day requirement. The theft and loss report was for the following losses:

- a. 84 tablets of acetaminophen/codeine, 300/15 mg.
- b. 2,083 tablets of acetaminophen/codeine, 300/30 mg.
- c. 370 tablets of acetaminophen/codeine, 300/60 mg.
- d. 3,050 tablets of alprazolam, 0.25 mg.
- e. 1,593 tablets of alprazolam, 0.5 mg.
- f. 13,378 tablets of alprazolam, 1 mg.
- g. 1,593 tablets of alprazolam, 2 mg.
- h. 10 tablets of alprazolam XR, 0.5 mg.
- i. 34 tablets of alprazolam XR, 3 mg.
- j. 3,474 tablets of zolpidem, 10 mg.
- k. 8,539 tablets of zolpidem, 10 mg.
- l. 2,368 tablets of tramadol, 50 mg.
- m. 881 tablets of hydrocodone/APAP, 5/325 mg.

- n. 557 tablets of oxycodone/APAP, 5/325 mg.
- o. 111 tablets of oxycodone, 10 mg.

4. On or about December 29, 2022, a Board agent was notified by email of a loss of thirty (30) alprazolam, 0.5 mg tablets at Hock's Vandalia Pharmacy. The theft is thought to have occurred on December 16, 2022. The reported reason for the loss was the belief that an open bottle being accidentally thrown away in the trash.
5. On or about January 7, 2023, a Board agent was notified by email of a loss of forty-two (42) clobazam, 10 mg tablets at Hock's Vandalia Pharmacy. The reported reason for the loss was the tablets were mistakenly thrown away in the trash.
6. On or about November 8, 2023, Board agents conducted an inspection at Hock's Vandalia Pharmacy. It was found that multiple hardcopy prescriptions for controlled substances did not indicate receipt by the pharmacy on the front of the prescription.

POTENTIAL VIOLATIONS OF LAW

1. 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, as effective April 6, 2017, and March 22, 2020, and March 31, 2021, TDDD license requirements, each violation punishable by a maximum penalty of \$1,000:
 - 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 4729.55(A); and/or
 - 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 4729.55(B); and/or
 - 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 4729.55(C); and/or
 - d. 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); and/or
 - e. If the applicant, or any agent or employee of the applicant, has been found guilty of violating section 4729.51 of the Revised Code, the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, the federal drug abuse control laws, Chapter 2925., 3715., 3719., or 4729.

of the Revised Code, or any rule of the board, adequate safeguards are assured to prevent the recurrence of the violation, ORC 4729.55(E).

2. Such conduct as set forth in Allegations Section, if proven, constitutes a violation of each of the following divisions of Section 4729.57(B) of the ORC, as effective September 29, 2017, and April 4, 2023, 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. Except as provided in section 4729.89 of the Revised Code, violating any provision of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 3715. of the Revised Code, ORC Section 4729.57(B)(4); and/or
 - d. 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
 - e. Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code, ORC Section 4729.57(B)(7); and/or
 - f. 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).
3. Such conduct as set forth in Allegations Section, if proven, each constitutes a violation of the following sections of Rule 4729:5-4-01 of the OAC, as effective April 25, 2022, each violation punishable by a maximum penalty of \$1,000:
 - a. Violating any rule of the board, OAC Rule 4729:5-4-01(B)(2); and/or
 - b. Violating any provision of Chapter 4729. of the Revised Code, OAC Rule 4729:5-4-01(B)(3); and/or
 - c. Except as provided in section 4729.89 of the Revised Code, violating any provision of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 3715. of the Revised Code, OAC Rule 4729:5-4-01(B)(4); and/or
 - d. Violating any provision of the federal drug abuse control laws or Chapter 2925. or 3719. of the Revised Code, OAC Rule 4729:5-4-01(B)(5); and/or
 - e. Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code, OAC Rule 4729:5-4-01(B)(7).
4. Such conduct as set forth in Allegations Section, if proven, each constitutes a violation of the following sections of Rule 4729:5-4-01 of the OAC, as effective March 1, 2019, each violation punishable by a maximum penalty of \$1,000:

- a. Violating any rule of the board, OAC Rule 4729:5-4-01(B)(2); and/or
- b. Violating any provision of Chapter 4729. of the Revised Code, OAC Rule 4729:5-4-01(B)(3); and/or
- c. Except as provided in section 4729.89 of the Revised Code, violating any provision of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 3715. of the Revised Code, OAC Rule 4729:5-4-01(B)(4); and/or
- d. Violating any provision of the federal drug abuse control laws or Chapter 2925. or 3719. of the Revised Code, OAC Rule 4729:5-4-01(B)(5); and/or
- e. Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code, OAC Rule 4729:5-4-01(B)(7); and/or
- f. The method used by the terminal distributor to store, possess or distribute dangerous drugs poses serious harm to other, OAC Rule 4729:5-4-01(B)(25).

5. Such conduct as set forth in paragraph (3)(a-o, inclusive) of the Allegations Section, if proved, each constitutes a violation of Rule 4729:5-3-02(B), Report of theft or significant loss of dangerous drugs, controlled substances, and drug documents, the theft or significant loss of controlled substances shall be reported by a licensee using the federal DEA report form regardless if the controlled substances are subsequently recovered and/or the responsible parties are identified and action is taken. Information reported in the federal form regarding such theft or significant loss shall be filed with the state board of pharmacy, in a manner determined by the board, by the licensee within thirty days following the discovery of such theft or significant loss., effective, October 31, 2021, each violation is punishable by a maximum penalty of \$1,000.

6. Such conduct as set forth in paragraph (1)(f) of the Allegations Section, if proven, each constitutes a violation of the following sections of Rule 4729:5-3-04(A) of the OAC, Verification of licensure prior to sale or purchase, as effective March 1, 2019, each violation punishable by a maximum penalty of \$1,000 if committed by an organization:

- a. Before a terminal distributor of dangerous drugs may purchase dangerous drugs at wholesale, the terminal distributor shall query the boards online roster (available on the boards website: www.pharmacy.ohio.gov) to confirm the seller is licensed to engage in the sale of dangerous drugs in accordance with section 4729.52 of the Revised Code, OAC Rule 4729:5-3-04(A)(1); and/or
- b. Before a terminal distributor of dangerous drugs may purchase dangerous drugs at wholesale, the terminal distributor shall query the boards online roster (available on the boards website: www.pharmacy.ohio.gov) to confirm the seller is licensed to engage in the occasional sale or distribution of dangerous drugs at wholesale in accordance with rule 4729:5-3-09 of the Administrative Code, OAC Rule 4729:5-3-04(A)(2).

7. Such conduct as set forth in paragraph (1)(f) of the Allegations Section, if proved, each constitutes a violation of Rule 4729:5-3-04(B), Verification of licensure prior to sale or purchase, if no documented query is conducted before a purchase is made, it shall be presumed that the purchase of dangerous drugs

by the terminal distributor is in violation of 4729.51 of the Revised Code, effective, March 1, 2019, each violation is punishable by a maximum penalty of \$1,000.

8. Such conduct as set forth in paragraphs (1)(d) of the Allegations Section, if proven, each constitutes a violation of Rule 4729:5-5-24 of the OAC, Drug inventory records and other record keeping provisions, all records maintained in accordance with this chapter shall be readily retrievable and uniformly maintained for a period of three years, as effective December 1, 2020, each violation punishable by a maximum penalty of \$1,000.
9. Such conduct as set forth in paragraphs (1)(e) of the Allegations Section, if proven, each constitutes a violation of Rule 4729:5-5-10(C)(1) of the OAC, Manner of processing a prescription, the front of hard copy prescriptions for controlled substance dangerous drugs shall be clearly notated to indicate receipt by the pharmacy in a manner that does not destroy any of the original information contained on the prescription but prevents the unauthorized duplication of the prescription, as effective December 1, 2020, each violation punishable by a maximum penalty of \$1,000.
10. Such conduct as set forth in paragraphs (1)(a), (1)(b), (1)(c), and (1)(d) of the Allegations Section, if proven, each constitutes a violation of the following sections of Rule 4729:5-3-14(A) of the OAC, General Security Requirements, as effective March 1, 2020, each violation punishable by a maximum penalty of \$1,000:
 - a. All terminal distributors of dangerous drugs shall provide effective controls and procedures to deter and detect the theft and diversion of dangerous drugs, OAC Rule 4729:5-3-14(A)(1); and/or
 - b. All terminal distributors of dangerous drugs shall provide effective controls and procedures to ensure supervision and control of dangerous drugs, as required in division (B) of section 4729.55 of the Revised Code, and adequate safeguards to ensure that dangerous drugs are being distributed in accordance with all state and federal laws, as required in section 4729.55 of the Revised Code, OAC Rule 4729:5-3-14(A)(2).
11. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of Rule 4729-9-05(A) of the OAC, Security Requirements, all licensees and registrants shall provide effective and approved controls and procedures to deter and detect theft and diversion of dangerous drugs, as effective September 1, 2017, each violation punishable by a maximum penalty of \$1,000.
12. Such conduct as set forth in paragraphs (1)(g) and (1)(h) of the Allegations Section, if proven, each constitutes a violation of Rule 4729-16-03(A) of the OAC, Drugs compounded in a pharmacy, For all non-sterile compounded drug products, the pharmacy shall comply with the United States pharmacopeia chapter 795, USP 38 – NF 33, or any official supplement thereto (9/10/2015), as effective February 15, 2016, each violation punishable by a maximum penalty of \$1,000.

13. Such conduct as set forth in paragraph (1)(i) of the Allegations Section, if proven, constitutes a violation of the following divisions of Section 3715.52 of the ORC, constituting a misdemeanor of the fourth degree, each punishable by a maximum fine of \$2,000, if committed by an organization:

- a. The manufacture, sale, or delivery, holding or offering for sale of any food, drug, device, or cosmetic that is adulterated or misbranded, ORC 3715.52(A)(1); and/or
- b. The adulteration or misbranding of any food, drug, device, or cosmetic, ORC 3715.52(A)(2).

14. Such conduct as set forth in paragraph (1)(i) of the Allegation Section, if proven, each constitutes a violation of section Rule 4729:5-3-06(A) of the OAC, adulterated drugs, as defined in agency 4729 of the Administrative Code, shall be stored in a separate and secure area apart from the storage of drugs used for dispensing, personally furnishing, compounding and administration, adulterated drugs shall be stored no longer than one year from the date of adulteration or expiration by those holding a terminal distributor of dangerous drugs license. Adulterated drugs shall be stored in a manner that prohibits access by unauthorized persons. As effective March 1, 2019, each violation punishable by a maximum penalty of \$1,000.

15. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of the following sections of Rule 4729:5-2-01 of the OAC, Responsible Person of a Terminal Distributor, as effective March 1, 2019, each violation punishable by a maximum penalty of \$1,000:

- a. The responsible person shall be responsible for the practice of the profession of pharmacy, including, but not limited to, the supervision and control of dangerous drugs as required in division (B) of section 4729.55 of the Revised Code, adequate safeguards as required in division (C) of section 4729.55 of the Revised Code, security and control of dangerous drugs and maintaining all drug records otherwise required, OAC Rule 4729:5-2-01(A)(2); and/or
- b. The person to whom the terminal distributor of dangerous drugs license has been issued and all pharmacists on duty are responsible for compliance with all state and federal laws, regulations, and rules governing the distribution of drugs and the practice of pharmacy, OAC Rule 4729:5-2-01(A)(3).
- c. The responsible person to whom the terminal distributor of dangerous drugs license has been issued and all licensed health professionals on duty are responsible for compliance with all state and federal laws, regulations, and rules governing the distribution of dangerous drugs, OAC 4729:5-2-01(E)(4); and/or
- d. The responsible person shall be responsible for ensuring the terminal distributor of dangerous drugs requirements are met, including, but not limited to, the supervision and control of dangerous drugs as required in division (B) of section 4729.55 of the Revised Code, adequate safeguards as required in division (C) of section 4729.55 of the Revised Code, security and control of dangerous drugs and maintaining all drug records otherwise required, OAC 4729:5-2-01(E)(6).

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 service 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 SERVICE 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 business entity, including but not limited to a corporation, limited liability company, or a limited partnership, 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 service of this notice, the State of Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing, and may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division RC 4729.57(A).

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
Steven W. Schierholt, Esq., Executive Director

SWS/JAK/kll

