



**IN THE MATTER OF:**

**CASE NO. A-2022-0500**

**Walmart 10-1478**

c/o Jacob Creel, PharmD, CHC  
354 Private Drive 288  
South Point, Ohio 45680

**License No. 02-0668550**

### **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 Walmart 10-1478 for the purpose of resolving all issues between the parties relating to an impaired pharmacist working at Walmart 10-1478. Together, the Board and Walmart 10-1478 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. Walmart 10-1478 is a licensed Terminal Distributor of Dangerous Drugs under license number 02-0668550.

#### **FACTS**

1. The Board initiated an investigation of Walmart 10-1478, Terminal Distributor of Dangerous Drugs license number 02-0668550, related to an impaired pharmacist working at Walmart 10-1478.
2. On or about July 24, 2023 the Board sent a Notice of Opportunity for Hearing to Walmart 10-1478, 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 August 7, 2023, Walmart 10-1478, through counsel Scot Hasselman, timely requested an administrative hearing, which was subsequently scheduled for March 6, 2024. The matter was settled via this Agreement prior to hearing.

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

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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:

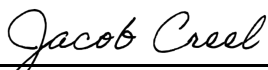
1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Walmart 10-1478 neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 24, 2023; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Walmart 10-1478 agrees to pay to the Board a monetary penalty the amount of \$5,000.00. This fine will be attached Walmart 10-1478's license record and must be paid no later than 180 days from the effective date of this Agreement. To pay this fine, login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in the cart.
4. The Board hereby imposes a written reprimand on Walmart 10-1478's TDDD license, number 02-0668550.
5. Walmart 10-1478 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. Walmart 10-1478 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 Walmart 10-1478 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 Walmart 10-1478 by the Board and will NOT discharge Walmart 10-1478 from any obligation under the terms of this Agreement.
7. Walmart 10-1478 agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Walmart 10-1478 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 Walmart 10-1478 will operate.
10. Walmart 10-1478 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:



\_\_\_\_\_  
Jacob Creel, PharmD, CHC, on behalf of,  
Walmart 10-1478, Respondent

2/12/2024

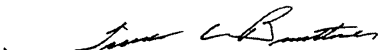
\_\_\_\_\_  
Date of Signature

Scot T. Hasselman

\_\_\_\_\_  
Scot Hasselman, Attorney for Respondent

2/13/24

\_\_\_\_\_  
Date of Signature



\_\_\_\_\_  
Trina Buettner, RPh, President,  
State of Ohio Board of Pharmacy

02/23/2024

\_\_\_\_\_  
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: Jul 24, 2023  
**-MUST HAVE BOARD SEAL TO BE OFFICIAL-**

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

**IN THE MATTER OF:**

**CASE NO. A-2022-0500**

**Walmart 10-1478**  
c/o Shawn Adkins, RPh  
354 Private Drive 288  
South Point, Ohio 45680

**License No. 02-0668550**

July 24, 2023

Dear Walmart 10-1478 and Mr. Shawn Adkins:

**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. Walmart 10-1478, located at 354 Private Drive 288, Southpoint, Ohio, has an active TDDD license with the Board under license number 02-0668550, which lists Shawn Adkins, RPh as the Responsible Person.

**ALLEGATIONS**

1. On or about May 5, 2022, and June 5, 2022, Kara Blevins, RPh was working as a pharmacist at Walmart 10-1478, located at 354 Private Drive 288, South Point, Ohio, and was exhibiting signs of being impaired. She was observed by multiple pharmacy staff members to stagger and stumble as she walked, slur her words, sway back and forth while standing at her computer, and go from loud to quiet with her speech. Her movements were described as slow and deliberate. It was reported that when she was speaking to customers, she could not remember what she was going to say; it appeared customers noticed her behavior. Pharmacy staff also reported that an odor of alcohol was detected while speaking to her.
  - a. On or about May 5, 2022, staff members of Walmart 10-1478 believed Ms. Blevins to be working while impaired and brought the situation to the attention of Walmart Pharmacy District Manager

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Vishal Patel. Mr. Patel, after a telephone call to Ms. Blevins, determined she was able to continue working in the pharmacy despite the reports that she was impaired from pharmacy staff who were present at the pharmacy.

- b. On or about June 5, 2022, approximately six hours after beginning her shift and after multiple complaints from pharmacy staff, Walmart management requested that Ms. Blevins submit to two breathalyzer tests. The results were as follows: .068 BAC at approximately 3:13 p.m. and .062 BAC at approximately 3:29 p.m. Ms. Blevins refused a drug screen. She was sent home from the pharmacy.
2. On or about June 22, 2022, an agent of the Board interviewed Ms. Blevins. She stated she was approached by Walmart management during her shift and informed she was suspected of being under the influence of a chemical substance and asked to submit to testing. She complied and submitted to two breathalyzer exams. She admitted to testing positive for alcohol.
  3. On or about June 24, 2022, and June 27, 2022, an agent of the Board interviewed Shawn Adkins, RPh, Responsible Person. He stated:
    - a. Although he was not working during the May 2022 incident, he explained Ms. Blevins appeared by staff to be impaired while working in the pharmacy.
    - b. He spoke with Ms. Blevins approximately a week later. She admitted to him she had injured her leg and admitted to taking some tramadol which was left over from an old prescription, which she still had available.
  4. On or about June 27, 2022, an agent of the Board interviewed Stephen Van Steenberg, RPh. He stated:
    - a. He was working in the pharmacy on May 5, 2022, and Ms. Blevins was late to work. When she arrived at approximately 12:30 p.m., he was administering a vaccination to a patient and did not have immediate contact with Ms. Blevins.
    - b. A technician informed him Ms. Blevins appeared impaired and had an odor of alcohol on her person. Two other technicians agreed Ms. Blevins appeared impaired. He approached Ms. Blevins and noticed she was slurring her words, was talking slowly, and was animated, swinging her arms around. She was not acting in her normal demeanor. He asked her if she should be working right now. She advised she was fine.
    - c. After speaking with Ms. Blevins, he contacted Walmart Pharmacy District Manager Vishal Patel and informed him Ms. Blevins appeared impaired. Mr. Patel advised he could not come to the pharmacy and explained he would call her. The telephone call occurred around 2:00 p.m. He estimated Mr. Patel spoke with Ms. Blevins for possibly one hour. After the phone call, Ms. Blevins returned to work. He never heard from Mr. Patel regarding Ms. Blevins being able to work.
    - d. On June 5, 2022, he was notified Ms. Blevins was working and was possibly impaired. He went to the Walmart store to observe her. He observed her from afar for approximately twenty minutes and could tell she was not acting like her normal self. He described her as having slurred speech and was animated.

- e. He contacted Mr. Patel and was informed to tell her to go to the back of the Walmart store for a Zoom call with Mr. Patel. At approximately 1:00 p.m., he was notified by Mr. Patel that he had evidence she was impaired. Mr. Patel explained he was sending her to lunch and was requesting she submit to testing for impairment.
  - f. Between 2:15 p.m. and 2:30 p.m., Walmart Management approached the pharmacy inquiring the whereabouts of Ms. Blevins. She was located on her phone outside Walmart and was allegedly speaking to Holly Osborne, RPh.
  - g. During a conversation with Ms. Osborne, he learned Ms. Blevins told her she had stayed up late the night before “binge drinking.” (This was later confirmed by Ms. Osborne to be true.)
5. On June 29, 2022, and July 6, 2022, the Board received statements from Walmart Pharmacy District Manager Vishal Patel. He stated:
- a. On May 5, 2022, he was advised by Mr. Steenberg at approximately 1:30 p.m., that Ms. Blevins was not acting normal. He stated she was kicking a trashcan and may be intoxicated.
  - b. He contacted Ms. Blevins via telephone to assess her behavior and communication. The call lasted for approximately thirty minutes. He heard no concerns of impairment during the conversation. During the call, Ms. Blevins communicated in her normal manner as in past conversations. He chose to allow her to continue working in the pharmacy.
  - c. He was not aware of Walmart’s Drug and Alcohol Policy at the time of his call with Ms. Blevins. He was made aware of the policy by Walmart Regional Health and Wellness Director, Nemish Shah.
  - d. He and others reviewed video surveillance of Ms. Blevins working in the pharmacy that day. He did not observe Ms. Blevins kicking a trashcan. He did not observe any difference in her behavior from previous shifts.
  - e. On June 5, 2022, at approximately 11:39 a.m., he received a call from the manager of Walmart 10-1478 concerning allegations Ms. Blevins was under some sort of influence and not acting like herself. He returned the call and was informed Ms. Blevins was slurring her words and swaying. He contacted a Walmart manager and requested Ms. Blevins be observed. The manager saw no evidence of impairment.
  - f. He contacted Mr. Steenberg who insisted further investigation be conducted. A video call was arranged with Ms. Blevins. During the call, she displayed behaviors associated with intoxication, including slurred speech and confusion.
  - g. Ms. Blevins submitted to, and failed, a breathalyzer test. She refused to complete a drug screen.
  - h. Mr. Steenberg verified all prescriptions that were verified by Ms. Blevins that day.
6. On or about June 20, 2022, Mr. Adkins contacted the Board. He notified the Board he was fulfilling his obligation to report to the Board, and stated Ms. Blevins was terminated by Walmart as a result of her

conduct indicating she was impaired at work on or about June 5, 2022. Ms. Blevins was summarily suspended by the Board on or about June 30, 2022.

#### **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 March 31, 2021, 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).
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, 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. 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
  - d. 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. 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
  - d. Unless otherwise approved by the board, a terminal distributor knowingly employs a person with access to drug stock who: Is addicted to or abusing alcohol or drugs, OAC Rule 4729:5-4-01(B)(26)(g).

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.

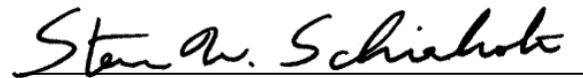
**IF YOU DESIRE A HEARING**, such request shall either be mailed to the State of Ohio Board of Pharmacy, Attn: Legal, 77 South High Street, 17<sup>th</sup> Floor, Columbus, Ohio 43215-6126 or an e-mail request may be sent to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov) (please note faxes will not be accepted). **YOUR REQUEST MUST BE RECEIVED ON OR**

**PRIOR TO THE 30<sup>TH</sup> 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 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 30<sup>th</sup> 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, 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](mailto: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

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