



IN THE MATTER OF:

CASE No. A-2022-0330
I-2022-0494

Blanchard Valley Hospital
c/o Ryan Kruse, RPh
1900 Main Street
Findlay, Ohio 45840

License No. 02-0850100

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 Blanchard Valley Hospital (Blanchard) for the purpose of resolving all issues between the parties relating to the Board investigation of illegal sales of dangerous drugs to a location which did not possess an active Board-issued Terminal Distributor of Dangerous Drugs license. Together, the Board and Blanchard 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. Blanchard is a licensed Terminal Distributor of Dangerous Drugs under license number 02-0850100.

FACTS

1. The Board initiated an investigation of Blanchard, Terminal Distributor of Dangerous Drugs license number 02-0850100, related to Blanchard's illegal sales of dangerous drugs to a location which did not possess an active Terminal Distributor of Dangerous Drugs Board-issued license.
2. On or about October 13, 2022, the Board sent a Notice of Opportunity for Hearing to Blanchard, 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 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. Blanchard neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated October 13, 2022; 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. Blanchard agrees to pay to the Board a monetary penalty the amount of \$1125.00. This fine will be attached to your license record and must be paid no later than 60 days from the effective date of this Order. To pay this fine you must login to www.license.ohio.gov and process the items in your cart.
4. The Board hereby imposes a written reprimand on Blanchard's TDDD license, number 02-0850100.
5. Blanchard 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. Blanchard 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 Blanchard 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 Blanchard by the Board and will NOT discharge Blanchard from any obligation under the terms of this Agreement.
7. Blanchard agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Blanchard 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 Blanchard will operate.

10. Blanchard 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:

Ryan Kruse, R.Ph.

Ryan Kruse, R.Ph., on behalf of,
Blanchard Valley Hospital, Respondent

12/20/2022

Date of Signature

Sebastian

Attorney for Respondent (if applicable)

12/21/22

Date of Signature

Shawn C. Wilt

Shawn Wilt, RPh, President,
State of Ohio Board of Pharmacy

03.15.2023

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: Oct 13, 2022

-MUST HAVE BOARD SEAL TO BE OFFICIAL-

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

IN THE MATTER OF:

**CASE No. A-2022-0330
I-2022-0494**

Blanchard Valley Hospital
c/o Ryan Kruse, RPh
1000 E. Washington Street
Medina, Ohio 44256

License No. 02-0850100

October 13, 2022

Dear Blanchard Valley Hospital and Ryan Kruse, 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 disciplinary action against your Terminal Distributor of Dangerous Drugs (TDDD) license(s) under authority of Section 4729.57 of the Revised Code.

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code (ORC) 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 ORC 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 ORC.
2. Blanchard Valley Hospital has an active TDDD license with the Board under license number 02-0850100, which lists Ryan Kruse, RPh as the Responsible Person.

ALLEGATIONS

1. From on or about July 14, 2021 through on or about February 4, 2022, Blanchard Valley Hospital, located at 1900 Main Street, Findlay, Ohio, sold dangerous drugs, to Well Work Occupational Health (Well Work), as set forth in Attachment A, attached hereto and incorporated as though fully set forth herein. Well Work, located at 3949 N Main Street, Suite D, Findlay, Ohio, was operating without a Board-issued Terminal Distributer of Dangerous Drugs license during this time.

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

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POTENTIAL VIOLATIONS OF LAW

1. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of Section 4729.51(A)(2) of the ORC, A licensed terminal distributor of dangerous drugs having more than one licensed location may transfer or deliver dangerous drugs from one licensed location to another licensed location owned by the terminal distributor if the license issued for each location is in effect at the time of the transfer or delivery, each punishable by a maximum fine of \$5,000, if committed by an organization.
2. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of Rule 4729:5-3-09(E) of the OAC, as effective March 1, 2019, failing to query the Board's online roster to determine active licensure prior to distributing dangerous drugs, each violation punishable by a maximum penalty of \$1,000 if committed by an organization.
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, as effective September 29, 2017, each violation punishable by a maximum penalty of \$1,000 if committed by an organization:
 - 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).
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 if committed by an organization:
 - 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).

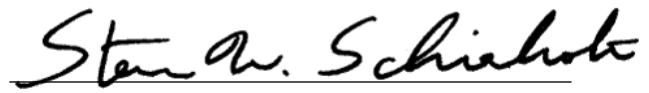
YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the State of Ohio Board of Pharmacy, if you request such a hearing within thirty 30 days of the date of the mailing of this notice.

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 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 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

Steven W. Schierholt, Esq., Executive Director

SWS/jak/kll

Encl: Attachment A

CMRRR: 9414 7118 9956 2957 0621 88

Attachment A

Sales Made by Blanchard Valley Hospital

Wholesaler	Date	Invoice Number	Medication	Package Size	Quantity
Blanchard Valley Health System	7/14/2021		Epinephrine 1mg/mL inj Soln 1mL	1	1
Blanchard Valley Health System	7/14/2021		hepatitus B adult vaccine 20 mcg/mL IM Susp 1mL	10	1
Blanchard Valley Health System	7/14/2021		Silver sulfadiazine 1% Cream 50 g	4	4
Blanchard Valley Health System	7/14/2021		Tetanus-diphtheria toxoids (Td) adult/adolescent 5 units-2 units/0.5mL IM Susp 0.5mL	10	1
Blanchard Valley Health System	8/3/2021		Fluorescein 1mg Ophth Test	100	100
Blanchard Valley Health System	8/3/2021		hepatitus B adult vaccine 20 mcg/mL IM Susp 1mL	10	1
Blanchard Valley Health System	8/3/2021		Tuberculin purified protein derivative 5 tuberculin units / 0.1mL Intradermal Soln 1 mL	4	4
Blanchard Valley Health System	8/3/2021		Tetanus-diphtheria toxoids (Td) adult/adolescent 5 units-2 units/0.5mL IM Susp 0.5mL	10	1
Blanchard Valley Health System	9/9/2021		Influenza Virus Vaccine, Fluzone quadrivalent	890	890
Blanchard Valley Health System	9/17/2021		Epinephrine 1mg/mL inj Soln 1mL	1	1
Blanchard Valley Health System	9/17/2021		Tetanus-diphtheria toxoids (Td) adult/adolescent 5 units-2 units/0.5mL IM Susp 0.5mL	10	1
Blanchard Valley Health System	10/13/2021		hepatitus B adult vaccine 20 mcg/mL IM Susp 1mL	10	1
Blanchard Valley Health System	10/13/2021		Epinephrine 1mg/mL inj Soln 1mL	1	2
Blanchard Valley Health System	11/19/2021		Tetracaine Ophthalmic 0.5% Sol 4mL	5	5
Blanchard Valley Health System	1/5/2022		Lidocaine 1% Inj SollMDV	1	1
Blanchard Valley Health System	1/5/2022		Silver sulfadiazine 1% Cream 50 g	4	4
Blanchard Valley Health System	1/27/2022		Tuberculin purified protein derivative 5 tuberculin units / 0.1mL Intradermal Soln 1 mL	10	1
Blanchard Valley Health System	1/27/2022		hepatitus B adult vaccine 20 mcg/mL IM Susp 1mL	10	1
Blanchard Valley Health System	1/29/2022		hepatitus B adult vaccine 20 mcg/mL IM Susp 1mL	2	2
Blanchard Valley Health System	1/29/2022		Tetanus-diphtheria toxoids (Td) adult/adolescent 5 units-2 units/0.5mL IM Susp 0.5mL	10	1
Blanchard Valley Health System	1/29/2022		hepatitus B adult vaccine 20 mcg/mL IM Susp 1mL	10	1
Blanchard Valley Health System	1/29/2022		Tetanus-diphtheria toxoids (Td) adult/adolescent 5 units-2 units/0.5mL IM Susp 0.5mL	5	5
Blanchard Valley Health System	2/4/2022		Tuberculin purified protein derivative 5 tuberculin units / 0.1mL Intradermal Soln 1 mL	2	2