



**IN THE MATTER OF:**

**Case No. A-2022-0420**

**Arlington Pharmacy, LTD**  
c/o Sheri Jo Sponsler, RPh  
106 N. Main St.  
Arlington, OH 45814

**License No. 02-1566000**

### **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 Arlington Pharmacy, LTD 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 Arlington Pharmacy, LTD 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. Arlington Pharmacy, LTD has an active TDDD license with the Board under license number 02-1566000, which lists Sheri Jo Sponsler, RPh, as the Responsible Person.

### **FACTS**

1. The Board initiated an investigation of Arlington Pharmacy, LTD, TDDD license number 02-1566000, related to an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board.
2. On or about November 7, 2022, the Board sent a Notice of Opportunity for Hearing to Arlington Pharmacy, LTD, 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

**T: (614) 466.4143 | F: (614) 752.4836 | [contact@pharmacy.ohio.gov](mailto:contact@pharmacy.ohio.gov) | [www.pharmacy.ohio.gov](http://www.pharmacy.ohio.gov)**



## 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. Arlington Pharmacy, LTD neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated November 7, 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. Arlington Pharmacy, LTD agrees to pay to the Board a monetary penalty the amount of \$250.00. This fine will be attached to Arlington Pharmacy, LTD's license record and must be paid no later than 90 days from the effective date of this Order. 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 Arlington Pharmacy, LTD's TDDD license, number 02-1566000.
5. Arlington Pharmacy, LTD 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. Arlington Pharmacy, LTD 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 Arlington Pharmacy, LTD 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 Arlington Pharmacy, LTD by the Board and will NOT discharge Arlington Pharmacy, LTD from any obligation under the terms of this Agreement.
7. Arlington Pharmacy, LTD agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Arlington Pharmacy, LTD understands that it has the right to be represented by counsel for review and execution of this agreement.

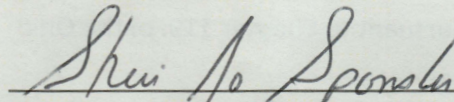
9. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Arlington Pharmacy, LTD will operate.
10. Arlington Pharmacy, LTD waives its opportunity to be heard pursuant to Chapter 119. of the Ohio Revised 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.
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.

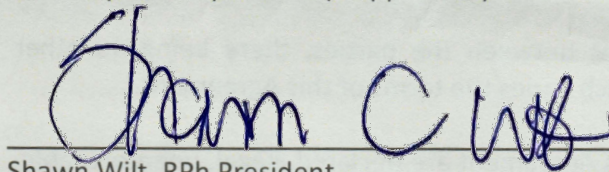
Approved by:

  
\_\_\_\_\_  
Sheri Jo Sponsler, RPh on behalf of,  
Arlington Pharmacy, LTD, Respondent

11.30.2022  
\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Attorney for Respondent (if applicable)

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

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

12.09.2022  
\_\_\_\_\_  
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-2022-0420**

**Arlington Pharmacy, LTD**  
c/o Sheri Jo Sponsler, RPh  
106 N. Main St.  
Arlington, OH 45814

**License No. 02-1566000**

November 7, 2022

Dear Arlington Pharmacy, LTD and Sheri Jo Sponsler:

**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, restrict, limit or refuse to grant or renew any license issued pursuant to section 4729.54 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. Arlington Pharmacy, LTD has an active TDDD license with the Board under license number 02-1566000, which lists Sheri Jo Sponsler, RPh, as the Responsible Person and owner.

**ALLEGATIONS**

1. On or about June 21, 2022, an inspection of Arlington Pharmacy, LTD, located at 106 N. Main Street, Arlington, Ohio, revealed three pharmacy employees were performing pharmacy technician duties without proper registration with the Board.
2. The inspection revealed Trevor Bower had been working as a pharmacy technician at Arlington Pharmacy, LTD, from on or about September 16, 2017, to on or about June 22, 2022, without Board issued registration. Mr. Bower's registration with the Board as a pharmacy intern lapsed on September 15, 2017.

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



During the inspection, he was observed performing duties of a pharmacy technician, including counting medications and placing drugs into containers prior to dispensing by a pharmacist.

3. The inspection also revealed the following:
  - a. From on or about January 2015 to on or about June 2022, Jennifer Fox was conducting pharmacy technician duties at Arlington Pharmacy, LTD, including counting pills for prescriptions and pill packaging for nursing home orders, without Board-issued registration.
  - b. From on or about January 2013 to on or about June 2022, Jennifer Bower was conducting pharmacy technician duties at Arlington Pharmacy, LTD, including counting pills for prescriptions and pill packaging, without Board-issued registration.
4. On or about June 22, 2022, Sheri Jo Sponsler, RPh, the Responsible Person, was interviewed by an agent of the Board. She stated the following:
  - a. She purchased the pharmacy in 2007.
  - b. She was unaware that Mr. Bower was required to apply for licensure as a technician and assumed since he was previously a licensed pharmacy intern he could perform technician duties.
  - c. Jennifer Fox was previously a Licensed Practical Nurse (LPN). Sheri Jo Sponsler, RPh, assumed, based on Fox's clinical experience, she could perform technician duties. Ms. Fox has conducted pharmacy technician duties such as counting pills for prescriptions and pill packaging for nursing home orders since being hired in 2015.
  - d. Jennifer Bower was hired in 2013 as a front-end store employee, but also contributes to the pharmacy by counting prescription medications and with nursing home pill packaging.
5. On or about June 22, 2022, Trevor Bower was interviewed by an agent of the Board. He stated the following:
  - a. He previously worked at Arlington Pharmacy, LTD, as a pharmacy intern. After graduating with a degree in in pharmacy from Ohio Northern University, he decided to pursue a career as a pharmacy technician.
  - b. On September 3, 2017, he obtained a Certified Pharmacy Technician certificate from the National Healthcareer Association. He assumed the certificate provided validation to perform technician duties and was unaware that he was required to apply for licensure through the state.
  - c. His pharmacy Intern license expired on September 15, 2017. After the license expiration, he has conducted pharmacy technician duties such as entering prescription data into the pharmacy's computer dispensing system, counting pills for prescriptions, and packaging medications for nursing home orders.
  - d. As of June 24, 2022, he will no longer be employed at Arlington Pharmacy, LTD.
6. On or about June 30, 2022, Jennifer Fox was interviewed by an agent of the Board. She stated the following:



- a. She counted pills for prescriptions and packaged medication without a pharmacy technician license.
  - b. She was unaware of the requirement to obtain a license to practice as a technician.
- 7. On or about June 30, 2022, Jennifer Bower was interviewed by an agent of the Board. She stated the following:
  - a. She counted pills for prescriptions and packaged medication without a pharmacy technician license.
  - b. She was unaware of the requirement to obtain a license to practice as a technician.

#### **POTENTIAL VIOLATIONS OF LAW**

- 1. Such conduct, as set forth in 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 the 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 the 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. 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
  - 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).
- 4. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following sections of Rule 4729:5-2-01 of the OAC, effective March 1, 2019, each punishable by a maximum penalty of \$500:

- a. 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); and/or
  - b. 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 Rule 4729:5-2-01(E)(4); and/or
  - c. 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 Rule 4729:5-2-01(E)(6).
5. Such conduct, as set forth in the Allegations Section, if proven, constitutes a violation of the following sections of Rule 4729:5-4-01 of the OAC, 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); 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).

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 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 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.



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

SWS/alg/kll

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