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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: 5/1/2025

-MUST HAVE BOARD SEAL TO BE OFFICIAL-

BEFORE THE OHIO BOARD OF PHARMACY

In the Matter of

:

Case No. A-2024-0067

Pharmco Management, LLC

:

DBA Compounding Pharmacy of Green

:

4016 Massillon Road, Suite B

:

Uniontown, OH 44685

:

License No. 02-32000218

Respondent.

:

FINAL ORDER OF THE OHIO BOARD OF PHARMACY

Pharmco Management, LLC (“Respondent”) was issued a license as a terminal distributor of dangerous drugs by the Ohio Board of Pharmacy, under license number 02-32000218. The Board issued a Notice of Opportunity for Hearing (“Notice”) to Respondent via traceable electronic mail on November 8, 2024, and it was opened on November 10, 2024. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on April 8, 2025, for final adjudication pursuant to ORC 119.07, and 4729.57(E).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.57(A) and Ohio Administrative Code (OAC) 4729:5-4-01(A), the Board finds and concludes that Respondent engaged in conduct set forth in ORC 4729.57(A), ORC 4729.95(C), ORC 4729.99(I)(2), ORC 4729.55(D), OAC 4729:7-2-03, OAC 4729:5-4-01, and OAC 4729:5-2-01, and all violations of law as described in the Notice. Based on the findings contained herein, the Board ORDERS as follows:

1. The Board hereby imposes a written reprimand on Respondent’s terminal distributor of dangerous drugs license no. 02-32000218.
2. The Board hereby imposes a fine in the amount of \$1,000.00. This fine will be attached to the license record and must be paid no later than 180 days from the effective date of this Order. To pay this fine, log in to www.license.ohio.gov and process the items in the cart.

3. The Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which Respondent currently holds a professional license, as required by any such state or jurisdiction, including to the Board on renewal applications or applications for a new license or registration.

Service of this Order shall be perfected in accordance with the requirements of ORC Chapter 119.

Christine Pfaff, RPh, moved for the findings of fact and decision of the Board. Anthony J. Buchta, Sr., RPh, second the motion. Motion passed (Yes -8/No-0).

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

TIME AND METHOD TO PERFECT AN APPEAL

Any party desiring to appeal shall file a Notice of Appeal with the Ohio Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, OH 43215, setting forth the order appealed from and stating that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The notice of appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The Notice of Appeal shall also be filed by the appellant in the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident. If the appellant is not a resident of and has no place of business in this state, the party may appeal to the court of common pleas of Franklin County. Such notices of appeal shall be filed within fifteen (15) days after the service of the notice of the Ohio Board of Pharmacy's Order as provided in Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: **May 1, 2025**

By:



Steven W. Schierholt, Esq., Executive Director

SWS/sam/jrn



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

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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: 11/8/2024

MUST HAVE BOARD SEAL TO BE OFFICIAL

IN THE MATTER OF:
Case No. A-2024-0067

Pharmco Management, LLC
DBA Compounding Pharmacy of Green
 4016 Massillon Road, Suite B
 Uniontown, OH 44685

License No. 02-32000218

November 8, 2024

Dear Pharmco Management, LLC DBA Compounding Pharmacy of Green:

You are hereby notified, in accordance with the provisions of Section 119.07 of the Ohio Revised Code the 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. Pharmco Management, LLC, has an active TDDD license with the Board under license number 02-32000218, which lists Rosario Carcione, RPh, as the Responsible Person.

ALLEGATIONS

1. On or about June 27, 2023, an inspection of Pharmco Management, LLC, DBA Compounding Pharmacy of Green, located at 4016 Massillon Road, Suite B, Uniontown, Ohio, revealed that Brittany Porteus performed sterile compounding from on or about August 16, 2021, to on or about June 27, 2023. At all relevant times, Brittany Porteus was not registered with the Board as

a certified pharmacy technician. Instead, Brittany Porteus was registered as a registered pharmacy technician.

2. Additionally, it was discovered that several of the components expired prior to the documented beyond use date.
3. On or about October 6, 2023, Responsible Person Rosario Carcione, RPh, spoke with an agent of the Board and provided a notarized written statement. He stated:
 - a. He trained RPhT Porteus to engage in sterile compounding but was unaware registered pharmacy technicians were not permitted to do so.

POTENTIAL VIOLATIONS OF LAW

1. Such conduct, as set forth in the Allegations Section, if proven, constitutes a violation of Sections 4729.95(C) and 4729.99(I)(2) of the ORC, Permitting unauthorized pharmacy-related drug conduct - 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 \$1000.
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, and April 25, 2022, each punishable by a maximum penalty of \$1,000:
 - 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 each of the following divisions of Rule 4729:7-2-03 of the OAC, as effective July 1, 2021, each violation punishable by a maximum penalty of \$1,000; Only the following may engage in compounding at a pharmacy:
 - a. A pharmacist, OAC Rule 4729:7-2-03(F)(1);
 - b. A pharmacy intern under the personal supervision of a pharmacist, OAC Rule 4729:7-2-03(F)(2);
 - c. A certified pharmacy technician or pharmacy technician trainee under the personal supervision of a pharmacist, OAC Rule 4729:7-2-03(F)(3); and
 - d. A registered pharmacy technician under the personal supervision of a pharmacist, but only with respect to non-sterile drug compounding, OAC Rule 4729:7-2-03(F)(4).
6. 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, and April 25, 2022, 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 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 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 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 service of this notice, the 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/sam/jrn

