



**SUMMARY SUSPENSION/NOTICE OF OPPORTUNITY FOR HEARING  
TERMINAL DISTRIBUTOR OF DANGEROUS DRUGS LICENSE**

**IN THE MATTER OF:**

**CASE NO. A-2026-0164**

**Pure Health Medical  
dba Pure Health Aesthetics & Wellness**  
c/o Dr. Matthew Marcotte & Jennifer Marcotte  
8611 Columbus Pike  
Lewis Center, OH 43035

**License No. 02-60001754**

June 1, 2026

**-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: 6/1/2026  
**-MUST HAVE BOARD SEAL TO BE OFFICIAL-**

Dear Pure Health Aesthetics & Wellness, Dr. Matthew Marcotte, and Jennifer Marcotte:

**You are notified, in accordance with Section 119.07 of the Revised Code, the Ohio Board of Pharmacy (Board) hereby SUMMARILY SUSPENDS Pure Health Aesthetics & Wellness’ license as a Terminal Distributor of Dangerous Drugs (TDDD), under authority of Sections 4729.57 and 4729.571 of the Ohio Revised Code.**

**Furthermore, the Board finds that based upon the facts set forth in the Allegations Section, there is clear and convincing evidence of a danger of immediate and serious harm to others due to Pure Health Aesthetics & Wellness’ method used to possess or distribute dangerous drugs. As such, the Board summarily suspends Pure Health Aesthetics & Wellness’ license as a Terminal Distributor of Dangerous Drugs.**

**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, restrict, limit, or refuse to grant or renew any license issued pursuant to Sections 4729.54 and 4729.55 of the ORC to practice as a TDDD in the state of Ohio. Further, pursuant to Section 4729.55(E), the Board shall refuse to issue a future license to an applicant for a TDDD if the applicant, or any agent (including any owner or responsible person) or employee of the applicant, has been found to have violated any of the specified laws identified therein or any rule of the board, absent proof of adequate safeguards assuring prevention of a recurrence of the violation. 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. Pursuant to Section 4729.571(A)(1) of the ORC and the rules adopted thereunder, the Board has the authority to suspend a terminal distributor's license without a hearing if it determines that there is clear and convincing evidence of a danger of immediate and serious harm to others due to the method used by the terminal distributor to possess or distribute dangerous drugs.
3. Pure Health Medical dba Pure Health Aesthetics & Wellness ("Pure Health"), located at 8611 Columbus Pike, Lewis Center, Ohio, is a licensed TDDD under license number 02-60001754 and lists Kristin Leann Saylor, APRN [Ohio Nursing Board license no. APRN.CNP.0039860] as the Responsible Person. The clinic is owned by Matthew Marcotte, D.C. [Ohio Chiropractic Board license no. DC-03745] and Jennifer Marcotte [Cosmetology and Barber Board license no. ESTA.224916].

### **ALLEGATIONS**

1. On or about April 8, 2026, Board staff conducted an inspection at Pure Health, located at 8611 Columbus Pike, Lewis Center, Ohio. Dr. Matthew Marcotte, Jennifer Marcotte, and current Responsible Person (RP) APRN Kristin Saylor were present for the inspection. Pure Health operates as a combined chiropractic clinic and medical spa. Chiropractor Dr. Marcotte is not a licensed medical provider or prescriber, and Pure Health employs an APRN to perform the clinic's medical and aesthetic procedures, administer hormone replacement therapy, and to recommend and personally furnish dangerous drugs.
  - a. The inspection and subsequent investigation revealed that from on or about June 2025 through on or about February 2026, the clinic owners, Matthew Marcotte (an Ohio-licensed chiropractor) and Jennifer Marcotte (an Ohio-licensed esthetician), repeatedly used Pure Health's APRNs' National Provider Identifier (NPI) numbers to order injectable dangerous drugs for themselves and/or clinic patients without the APRNs' knowledge or consent.
    - i. From on or about June 3, 2025, to on or about January 7, 2026, the Marcottes used former-Responsible Person APRN Margaret Howard's NPI number to place at least three unauthorized orders of vials of NAD and sermorelin. The Marcottes removed the vials of NAD and sermorelin, both dangerous drugs that require an order issued by a licensed healthcare professional authorized to prescribe drugs, from Pure Health. The vials were for the Marcottes' own personal use. During this time, former Responsible Person, APRN Margaret Howard was the only prescriber on Pure Health's staff and had no knowledge nor did she authorize the prescribing or the personally furnishing of the dangerous drugs. At least one of the orders was placed 15 days after the resignation of APRN Howard.
    - ii. Between on or about January 18, 2026, and January 27, 2026, while then Responsible Person APRN Emily Knisley was out of the country, the Marcottes used APRN Knisley's NPI number without her knowledge or authorization, to order vials of NAD and sermorelin. The Marcottes removed vials of NAD and sermorelin, both dangerous drugs that require an order issued by a licensed healthcare professional authorized to prescribe drugs, from Pure Health. The vials were for the Marcottes' own personal use.

During this time, APRN Knisley was the only prescriber on Pure Health's staff and had no knowledge nor did she authorize the prescribing or the personally furnishing of the dangerous drugs.

- iii. Between on or about January 18, 2026, and January 27, 2026, Dr. Marcotte personally furnished vials of NAD and sermorelin to Patient 1 and Patient 2. Dr. Marcotte consulted and gave dosing recommendations to Patient 1 prior to personally furnishing the dangerous drugs, and consulted Patient 1 following an adverse reaction to the NAD that caused Patient 1 to lose consciousness. During this time, APRN Knisley was the only prescriber on Pure Health's staff and had no knowledge nor did she authorize the prescribing or the personally furnishing of these dangerous drugs to either patient.
- b. On or about April 8, 2026, Board inspectors spoke with clinic owners.
    - i. Dr. Marcotte confirmed he "self-prescribed" and began taking NAD in approximately July 2025, and later started taking sermorelin, also without a prescriber order and without keeping personally furnishing records.
    - ii. Jennifer Marcotte admitted to using NAD beginning on July 9, 2025, without a documented prescriber order and without keeping personally furnishing records. She further admitted she and Dr. Marcotte would take home unsold drugs nearing expiration to use for themselves. When asked about the lack of records, Jennifer Marcotte explained that since they own the practice and the drugs, they thought it was ok to take them.
    - iii. Dr. Marcotte admitted to consulting clinic patients, giving dosing recommendations, and personally furnishing NAD and sermorelin to the patients.
      1. Dr. Marcotte admitted to consulting Patient 1, recommending, and personally furnishing NAD and sermorelin to Patient 1. He subsequently consulted Patient 1 after an adverse reaction to NAD, which caused Patient 1 to pass out.
      2. Dr. Marcotte confirmed that Patient 1 returned the unopened sermorelin and opened NAD vials he had personally furnished for a full refund. Dr. Marcotte then took both vials for his own personal use and did not document it.
- c. Warnings requiring written responses were issued for violations including the following:
    - i. Personal furnishing of dangerous drugs.
      1. A vial of NAD and a vial of sermorelin were personally furnished to a patient (Patient 1), but later returned to the clinic by the patient and provided and used by another patient (Patient 5).

2. The clinic personally furnished dangerous drugs to patients without documented prescriber orders and without a prescriber's signature for the act of personally furnishing.
  - a. On 12/30/25 sermorelin was personally furnished to a patient and there was no prescriber order found in the record (Patient 3).
  - b. On 1/8/26 sermorelin and NAD was personally furnished to a patient and there was no prescriber order found in the record (Patient 4).
  - c. On 1/21/26 sermorelin was personally furnished to a patient and there was no associated prescriber order found in the record (Patient 2).
  - d. On 1/22/26 sermorelin and NAD was personally furnished to a patient and there was no prescriber order found in the record (Patient 1).
  - e. From approximately July 2025 to March 2026 approximately 6 vials of NAD was personally furnished to a patient and there was no prescriber order found in the record (Patient 6).
  - f. From approximately July 2025 to March 2026 approximately 4 vials of NAD and 4 vials of sermorelin was personally furnished to a patient and there was no prescriber order found in the record (Patient 5).
- ii. Drug storage and security.
  1. The key to the controlled substance cabinet where testosterone pellets (schedule-III controlled substance) are stored, is kept in an unlocked desk drawer in the manager's office and can be accessed by unauthorized clinic personnel.
  2. #3 opened multi-dose vials of injectable medications in active drug stock were not labeled with date opened and are adulterated.
  3. Clinic maintains a daily temperature log, but it does not cover every day including closed days.
- iii. Recordkeeping.
  1. The clinic failed to timely notify the Board of the two changes of the clinic's Responsible Person, in December 2025 and February 2026.
  2. No annual controlled substance inventory was completed or maintained.
  3. No controlled substance inventory was completed upon changes of the responsible person.

4. Clinic failed to maintain all purchase records of NAD and sermorelin purchased from Olympia.
2. On or about May 13, 2026, Pure Health received a shipment from Alpha Biomed of illegal dangerous drugs intended for injection. The package was addressed to Matthew Marcotte at Pure Health Aesthetics & Wellness and contained two vials of purported BPC-157 10mg, in white powder form.
  - a. NOTE: Alpha Biomed is an entity that is not a licensed wholesale drug distributor, outsourcing facility, compounding pharmacy, or drug manufacturer in the United States and does not have Food and Drug Administration (FDA) manufacturer registration. BPC-157 is a dangerous drug that may not be compounded or sold because it lacks USP/NF monograph, is not a drug substance that is a component of an approved drug, and does not appear on the approved 503A bulk drug substances list.
3. On or about May 27, 2026, the Board conducted a follow-up inspection at Pure Health. Present for the inspection was Dr. Matthew Marcotte, Jennifer Marcotte, and current RP APRN Saylor. Warnings requiring written responses were issued for violations including the following:
  - a. #3 opened and expired multi-dose vials were located in the active drug stock.
  - b. Records of personally furnished dangerous drugs were not maintained, including failing to record the positive identification of the prescriber personally furnishing the drug.
  - c. The refrigerator containing dangerous drugs was not secure.

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

1. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of section 3715.52 of the ORC, prohibited acts, each, a misdemeanor of the fourth degree, each punishable by a maximum penalty of \$2,000 if committed by an organization: The following acts and causing them are prohibited:
  - a. The manufacture, sale, or delivery, holding or offering for sale of any food, drug, device, or cosmetic that is adulterated<sup>1</sup> or misbranded,<sup>2</sup> ORC Section 3715.52(A)(1); and/or
  - b. The adulteration or misbranding of any food, drug, device, or cosmetic, ORC Section 3715.52(A)(2); and/or
  - c. The receipt in commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise, ORC Section 3715.52(A)(3); and/or

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<sup>1</sup> ORC Section 3715.63: When a drug or device is adulterated

<sup>2</sup> ORC Section 3715.64: Misbranded drug or device

- d. The sale, delivery for sale, holding for sale, or offering for sale of any article in violation of section 3715.61 or 3715.65 of the Revised Code, ORC Section 3715.52(A)(4).
2. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of Section 4729.51(F) of the ORC, effective September 29, 2017 and April 6, 2017, No licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code shall purchase dangerous drugs or investigational drugs or products from any person other than a licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor, each violation is a misdemeanor of the first degree, each violation punishable by a maximum penalty of \$5,000 if committed by an organization.
3. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of Section 4729.60(B) of the ORC, Before a licensed terminal distributor of dangerous drugs may purchase dangerous drugs at wholesale, the terminal distributor shall query the roster established pursuant to section 4729.59 of the Revised Code to confirm the seller is licensed to engage in the sale or distribution of dangerous drugs at wholesale, each violation punishable by a maximum penalty of \$1,000 if committed by an organization.
4. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following sections of Rule 4729:5-3-04 of the OAC, as effective March 1, 2019, each violation punishable by a maximum penalty of \$1,000:
  - a. Before a terminal distributor of dangerous drugs may purchase dangerous drugs at wholesale, the terminal distributor shall query the board's online roster (available on the board's website: [www.pharmacy.ohio.gov](http://www.pharmacy.ohio.gov)) to confirm any of the following:
    - i. 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
    - ii. 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); and/or
  - b. 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 section 4729.51 of the Revised Code, OAC Rule 4729:5-3-04(B).
5. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of the following sections of Rule 4729:5-3-06 of the OAC, as effective July 1, 2024, each violation punishable by a maximum penalty of \$1,000: To prevent their use, 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.

6. Such conduct as set forth in Allegations Section, if proven, each constitutes a violation of the following sections of Rule 4729:5-3-14(A) of the OAC, as effective March 1, 2020, General security requirements, each violation punishable by a maximum penalty of \$1,000:
  - a. 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).
  
7. Such conduct as set forth in Allegations Section, if proven, each constitutes a violation of the following sections of Rule 4729:5-19-02 of the OAC, Personally furnishing dangerous drugs, as effective March 1, 2020 and April 1, 2026, each violation punishable by a maximum penalty of \$1,000:
  - a. A prescriber who personally furnishes a dangerous drug, other than a sample drug pursuant to section 3719.81 of the Revised Code, shall affix to the container a label showing:
    - i. The name and address of the prescriber, OAC Rule 4729:5-19-02(A)(1); and/or
    - ii. The name of the patient for whom the drug is intended, OAC Rule 4729:5-19-02(A)(2); and/or
    - iii. Name and strength of the drug, OAC Rule 4729:5-19-02(A)(3); and/or
    - iv. Directions for use, OAC Rule 4729:5-19-02(A)(4); and/or
    - v. Date furnished, OAC Rule 4729:5-19-02(A)(5); and/or
    - vi. If a compounded drug, the statement "Compounded Drug" or other similar statement shall also be displayed prominently on the label, OAC Rule 4729:5-19-02(A)(6).
  - b. Except as provided in paragraph (E)(2) of this rule, only a prescriber shall personally furnish a drug. The act of personally furnishing shall be documented using positive identification, OAC Rule 4729:5-19-02(E)(1); and/or
  - c. Any drug that has left the possession of the terminal distributor of dangerous drugs shall comply with the requirements of rule 4729:5-3-16 of the Administrative Code, OAC Rule 4729:5-19-02(P).
  
8. Such conduct as set forth in Allegations Section, if proven, each constitutes a violation of the following sections of Rule 4729:5-3-16 of the OAC, Returned drugs, as effective March 9, 2020, each violation punishable by a maximum penalty of \$1,000:
  - a. No drug that has been dispensed pursuant to a prescription or personally furnished by a prescriber and has left the physical premises of the terminal distributor of dangerous drugs

shall be returned to the terminal distributor or dispensed or personally furnished again, OAC Rule 4729:5-3-16(A).

9. Such conduct as set forth in Allegations Section, if proven, each constitutes a violation of the following sections of Rule 4729:5-19-03 of the OAC, Security, control and storage of dangerous drugs, as effective February 4, 2021 and April 1, 2026, each violation punishable by a maximum penalty of \$1,000:
  - a. The security and control of dangerous drugs is the responsibility of the responsible person on the terminal distributor of dangerous drugs license and the terminal distributor of dangerous drugs, OAC Rule 4729:5-19-03(A); and/or
  - b. Except as provided in paragraphs (F) and (G) of this rule, controlled substance dangerous drugs shall be stored in a securely locked, substantially constructed cabinet or safe to deter and detect unauthorized access, OAC Rule 4729:5-19-03(B); and/or
  - c. During non-business hours, non-controlled dangerous drugs shall be stored in an area secured by a physical barrier with suitable locks, which may include a substantially constructed cabinet, locked room, or secured facility. During normal business hours, non-controlled dangerous drugs shall not be stored in areas where members of the public are not supervised by individuals authorized to administer such drugs, OAC Rule 4729:5-19-03(I); and/or
  - d. All records relating to the receipt, administration, distribution, personal furnishing and sale of dangerous drugs shall be maintained under appropriate supervision and control to restrict unauthorized access, OAC Rule 4729:5-19-03(J); and/or
  - e. All areas where dangerous drugs and devices are stored shall be dry, well-lit, well-ventilated, and maintained in a clean and orderly condition. Storage areas shall be maintained at temperatures and conditions which will ensure the integrity of the drugs prior to use as stipulated by the USP/NF and/or the manufacturer's or distributor's labeling. Refrigerators and freezers used for the storage of drugs and devices shall comply with the following:
    - i. Maintain either of the following to ensure proper refrigeration and/or freezer temperatures are maintained:
      1. Temperature logs with, at a minimum, daily observations, OAC Rule 4729:5-19-03(K)(1)(a); or
      2. A temperature monitoring system capable of detecting and alerting staff of a temperature excursion, OAC Rule 4729:5-19-03(K)(1)(b); and/or
    - ii. The terminal distributor shall develop and implement policies and procedures to respond to any out of range individual temperature readings or excursions to ensure the integrity of stored drugs, OAC Rule 4729:5-19-03(K)(2); and/or

- f. Upon the initial puncture of a multiple-dose vial containing a drug, the vial shall be labeled with a beyond-use date or date opened. The beyond-use date for an opened or entered (e.g., needle punctured) multiple-dose container with antimicrobial preservatives is twenty-eight days, unless otherwise specified by the manufacturer. A multiple-dose vial that exceeds its beyond-use date shall be deemed adulterated, OAC Rule 4729:5-19-03(L); and/or
  - g. Adulterated drugs, including expired drugs, shall be stored in accordance with rule 4729:5-3-06 of the Administrative Code, OAC Rule 4729:5-19-03(M).
10. Such conduct as set forth in Allegations Section, if proven, constitutes a violation of the following sections of Rule 4729:5-19-04 of the OAC, Record keeping, as effective March 1, 2020 and April 1, 2026, each violation punishable by a maximum penalty of \$1,000:
- a. A clinic or prescriber office shall keep a record of all dangerous drugs received, administered, personally furnished, disposed, sold or transferred, OAC Rule 4729:5-19-04(A); and/or
  - b. Records of receipt shall contain the name, strength, dosage form, and quantity of the dangerous drugs received, the name and address of the seller, the name and address of the recipient, and the date of receipt. An invoice from a drug distributor licensed in accordance with division 4729:6 of the Administrative Code containing the required information may be used to meet this requirement, OAC Rule 4729:5-19-04(B); and/or
  - c. Records of temperature control monitoring described in paragraph (K)(1) of rule 4729:5-19-03 of the Administrative Code shall include any of the following:
    - i. For temperature logs, either:
      - 1. The date and time of observation, the full name or the initials of the individual performing the check, and the temperature recorded, OAC Rule 4729:5-19-04(C)(1)(a); and/or
      - 2. For systems that provide automated temperature monitoring, maintain a report that provides, at a minimum, the date and time of observation and the temperature recorded, OAC Rule 4729:5-19-04(C)(1)(b); and/or
    - ii. For temperature monitoring systems capable of detecting and alerting staff of a temperature excursion, maintain reports that provide information on any temperature excursion that includes the date, time, temperature recorded, and length of each excursion, OAC Rule 4729:5-19-04(C)(2); and/or
  - d. Records of personally furnishing shall contain the name, strength, dosage form, and quantity of the dangerous drugs personally furnished, the name, address and date of birth of the person to whom or for whose use the dangerous drugs were personally furnished, the positive identification of the prescriber personally furnishing the drug, the date the drug is

- personally furnished and, if applicable, the date the drug is received by the patient or patient's caregiver, OAC Rule 4729:5-19-04(D); and/or
- e. Records of administration shall contain the name, strength, dosage form, and quantity of the dangerous drugs administered, the name and date of birth of the person to whom or for whose use the dangerous drugs were administered, the date of administration, and either:
    - i. For non-controlled substance dangerous drugs: the identification of the health care professional administering the drug, OAC Rule 4729:5-19-04(E)(1)(a); and/or
    - ii. Records of dangerous drugs administered which become a permanent part of the patient's medical record shall be deemed to meet the requirements of this paragraph, OAC Rule 4729:5-19-04(E)(2); and/or
    - iii. Records of dangerous drugs administered by a health care professional, acting within the professional's scope of practice, who is not a prescriber shall include documentation of an order issued by a prescriber or protocol authorizing the administration of the drug. An order that is a permanent part of the patient's medical record shall be deemed to meet the requirements of this paragraph. Orders for the administration of controlled substances shall be documented using positive identification, OAC Rule 4729:5-19-04(E)(3); and/or
  - f. Records of disposal of dangerous drugs from inventory, other than controlled substances, shall contain the name, strength, dosage form, and quantity of the dangerous drug disposed; the date of disposal; the method of disposal; and the identification of the licensed health care professional that performed the disposal, OAC Rule 4729:5-19-04(F); and/or
  - g. Controlled substance inventory records shall be maintained in accordance with rule 4729:5-3-07 of the Administrative Code, OAC Rule 4729:5-19-04(I); and/or
  - h. All records maintained in accordance with this rule and rule 4729:5-19-03 of the Administrative Code shall be readily retrievable and shall be kept on-site for a period of three years, OAC Rule 4729:5-19-04(J).
11. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of Rule 4729:5-3-12 of the OAC, as effective March 1, 2020, Protocols for medication administration, each violation punishable by a maximum penalty of \$1,000:
- a. A terminal distributor of dangerous drugs may distribute or dispense dangerous drugs for administration pursuant to a pre-printed order. As used in this rule, "pre-printed order" means a patient specific and dose specific order for the administration of a specific drug or drugs prescribed by a licensed health care professional authorized to prescribe drugs. The prescriber must complete an assessment and make a diagnosis prior to initiating a pre-printed order in accordance with the prescriber's scope of practice. The pre-printed order may only be initiated upon the order of a prescriber authorized by law to prescribe the drugs

listed in the pre-printed orders. The drugs shall be administered by an individual authorized by law to administer the drugs, OAC Rule 4729:5-3-12(C); and/or

- b. A pre-printed order described in paragraph (C) of this rule shall:
  - i. Include the name of the patient; drug name and strength; specific instructions of how to administer the drug, dosage, and frequency; instructions of any patient specified dosage range based on objective measures such as calculations and patient physiologic data; signature of the prescriber or some other form of positive identification of the prescriber as defined in agency 4729 of the Administrative Code; and date of signature, OAC Rule 4729:5-3-12(D)(1); and/or;
  - ii. Apply only to those drugs for which the therapeutic dose is significantly lower than the dose expected to cause detrimental adverse effects, OAC Rule 4729:5-3-12(D)(2); and/or
  - iii. Can be performed without requiring the exercise of medical judgment, OAC Rule 4729:5-3-12(D)(3); and/or
  - iv. Will lead to results that are reasonably predictable and safe, OAC Rule 4729:5-3-12(D)(4); and/or
  - v. Can be performed safely by the individual authorized to administer the drugs and without the need for repeated medical assessments, OAC Rule 4729:5-3-12(D)(5); and/or
  - vi. Be maintained by the terminal distributor of dangerous drugs for a period of three years from the date of initiation. A pre-printed order which becomes a permanent part of the patient's medical record shall be deemed to meet the requirements of this paragraph, OAC Rule 4729:5-3-12(D)(6); and/or
  - vii. Be made readily retrievable, OAC Rule 4729:5-3-12(D)(7); and/or
  - viii. If performed improperly, would not present a danger of immediate and serious harm to the patient, OAC Rule 4729:5-3-12(D)(8); and/or
  - ix. Be reviewed as necessary to ensure patient safety and practice in accordance with acceptable and prevailing standards of care, OAC Rule 4729:5-3-12(D)(9).
12. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following divisions of Rule 4729:5-3-07 of the OAC, as effective March 1, 2019, Controlled substance inventory requirements, each violation punishable by a maximum penalty of \$1,000:
  - a. All controlled substance inventories performed in accordance with this rule shall be conducted on an annual basis. The annual inventory may be taken on any date which is within thirteen months of the previous inventory date, OAC Rule 4729:5-3-07(B); and/or

- b. The terminal distributor's responsible person shall be responsible for completing and maintaining this inventory record at the location licensed as a terminal distributor of dangerous drugs, OAC Rule 4729:5-3-07(C); and/or
  - c. All inventory records shall be maintained for a period of three years from the completion date of the inventory and made readily retrievable, OAC Rule 4729:5-3-07(D).
13. 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, Responsible person – terminal distributor, as effective April 25, 2022, each violation punishable by a maximum penalty of \$1,000:
- a. 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
  - b. When there is a change of responsible person, the state board of pharmacy shall be notified within ten days of the effective date of the appointment of the new responsible person in a manner determined by the board. For a limited terminal distributor of dangerous drugs license, the notification shall include a drug list required in accordance with agency 4729 of the Administrative Code, OAC Rule 4729:5-2-01(E)(2); and/or
  - c. A complete inventory, pursuant to 21 CFR 1304.11 of the Code of Federal Regulations (9/9/2014) and rule 4729:5-3-07 of the Administrative Code, shall be taken of the controlled substances on hand by the new responsible person on the effective date of the change of responsible person. The new responsible person shall be responsible for completing and maintaining this inventory record at the location licensed as a terminal distributor of dangerous drugs, OAC Rule 4729:5-2-01(E)(3); 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 Rule 4729:5-2-01(E)(6).
14. 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 October 3, 2023, 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... licensed health professional authorized to prescribe drugs... 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).
15. 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 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).
16. 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); and/or

- f. Commission of an act that constitutes a misdemeanor that is related to, or committed in, the person's professional practice, OAC Rule 4729:5-4-01(B)(18); and/or
- g. The method used by the terminal distributor to store, possess or distribute dangerous drugs poses serious harm to others, OAC Rule 4729:5-4-01(B)(23).

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.

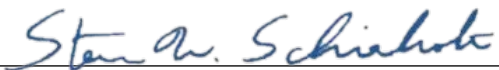
**IF YOU DESIRE A HEARING**, such request shall either be mailed to the Ohio Board of Pharmacy, Attn: Legal, 77 South High Street, 17<sup>th</sup> Floor, Columbus, Ohio 43215-6126 or an e-mail request may be sent to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov) (please note faxes will not be accepted). **YOUR REQUEST MUST BE RECEIVED ON OR PRIOR TO THE 30<sup>TH</sup> DAY FOLLOWING THE 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 30<sup>th</sup> day following the service of this notice, the Ohio 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 OHIO BOARD OF PHARMACY

  
Steven W. Schierholt, Esq., Executive Director

SWS/zas/rlj

cc: Kimberly Stein, Ohio State Chiropractic Board, at email on file with the Board;  
Meg Lamantia, Ohio Cosmetology and Barber Board, at email on file with the Board.