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Steven W. Schierholt, Esq., Executive Dir.
Date: 2/3/2026
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SUMMARY SUSPENSION/NOTICE OF OPPORTUNITY FOR HEARING
TERMINAL DISTRIBUTOR OF DANGEROUS DRUGS LICENSE

IN THE MATTER OF: **CASE NO. A-2026-0037**

GRT Performance Methods **License No. 02-60003555**
c/o Tim Trombly and Bernie Yoscovits
6040 Teletowne Dr.
Toledo, OH 43612

February 3, 2026

Dear GRT Performance Methods, Tim Trombly and Bernie Yoscovits:

You are hereby notified, in accordance with Section 119.07 of the Ohio Revised Code (ORC), the Ohio Board of Pharmacy (Board) hereby SUMMARILY SUSPENDS GRT Performance Methods' 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 GRT Performance Methods' method used to possess or distribute dangerous drugs. As such, the Board summarily suspends GRT Performance Methods' license as a Terminal Distributor of Dangerous Drugs.

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 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 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. 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. GRT Performance Methods, located at 6040 Teletowne Dr., Toledo, OH, is licensed by the Board (TDDD 02-60003555). The clinic is owned by Tim Trombly and Bernie Yoscovits and does not list a current Responsible Person. The former Responsible Person from June 24, 2025 through November 20, 2025, was listed as Lori A. Jacobs, APRN [Ohio Board of Nursing license number APRN.CNP.0028832].

ALLEGATIONS

1. On or about January 29, 2026, the Board conducted an inspection at GRT Performance Methods ("GRT"), a medical spa licensed by the Board (TDDD 02-60003555), located in a suite of the Super Fitness Building. Co-owners Tim Trombly and Bernie Yoscovits were present during the inspection.

2. During the inspection, GRT was found to possess multiple vials of the following illegal dangerous drugs, in either a white powder, purple powder, or clear liquid form, intended for injection, which were obtained from an unlicensed, foreign source:

   a. Retatrutide 10mg, 9 vials;
   b. KPV 10mg, 3 vials;
   c. Tirzepatide 20mg, 6 vials;
   d. Tirzepatide 50mg, 4 vials;
   e. Semaglutide 10mg, 5 vials;
   f. SS-31 10mg, 4 vials;
   g. BPC 157/TB500 10mg, 4 vials;
   h. BPC-157 10mg, 8 vials;
   i. AOD-9604 5mg, 5 vials;
   j. Semax 10mg, 5 vials;
   k. TB500 10mg, 10 vials;
   l. MOTS-C 10mg, 5 vials;
   m. Ipamorelin 10mg, 5 vials;
   n. MT-2 10mg, 5 vials;
   o. HCG 10,000 IU, 6 vials;
   p. HGH 10 IU, 4 vials;
   q. PT-141 10mg, 7 vials;
   r. GLOW 50/10/10/10/10mg, 10 vials;
   s. SLU-PP-332 5mg, 9 vials;
   t. Tesamorelin 10mg, 9 vials;
   u. CJC-1295 w/ DAC, 5 vials;
   v. Selank 10mg, 5 vials;
   w. Glutathione 500mg, 5 vials;
   x. CHK-CU 100mg, 7 vials;
   y. NAD+ 500mg, 8 vials;
   z. IGF-1 LR3 1mg, 3 vials;
   aa. MOTS-C 40mg, 4 vials;
   bb. Melanotan II 10mg, 1 vial;

cc. Unlabeled vials of clear liquid, purported to be bacteriostatic water, 108 vials.

3. Board Agents spoke with clinic co-owners Tim Trombly and Bernie Yoscovits (both non-healthcare professionals):

    a. Trombly stated they order the drugs online and he sells them to people "who come in looking for them."

    b. Yoscovits stated they ordered the peptides from a Chinese website, but he could not remember the name. The products were usually shipped to his or Trombly's residences and then they brought them into the clinic.

    c. Vials are shipped unlabeled and prior to sale to the public, GRT affixes their own label "GRT Peptide" and "Research Use Only" to the vials.

    d. They stated they did not have any purchase records.

    e. Trombly stated GRT does not administer the drugs or provide instructions for use of the drugs, they just sell the vials and the buyers have to "figure it out."

4. The inspection resulted in warnings requiring written responses for violations including the following:

    a. Dangerous drugs were purchased from entities not licensed in Ohio and the clinic was not conducting license verification. Multiple dangerous drugs were purchased from a Chinese website.

        i. This is a repeat violation. GRT was issued a warning requiring a written response on 8/6/2025 for purchasing drugs from unlicensed wholesaler and was educated on verifying wholesaler Ohio licensure prior to purchase.

    b. A large quantity of drugs in the active stock were expired or adulterated.

    c. Multi-use vials did not have initial date of puncture or beyond use date.

    d. Expired and/or punctured IV bags were located within the active drug stock.

    e. Dangerous drugs were stored in a non-medical refrigerator. The refrigerator was not equipped with any temperature monitoring device, and the clinic did not maintain temperature logs or have any temperature monitoring policies in place.

    f. GRT failed to maintain records of administration conducted by the previous prescriber.

    g. GRT failed to maintain any records of IV therapy previously offered from August to November 2025 with the previous prescriber.

h. GRT failed to timely report a change of responsible person (RP).

i. On 11/28/2025, the Board was notified that Lori Jacobs, APRN was no longer employed as the RP at GRT.

ii. On 12/24/2025, GRT was notified by the Board via email that GRT did not have a RP, was advised there must be a RP at all time, and was directed to submit a change of RP to the Board.

iii. The Board attempted to contact GRT multiple times through various communications, including all available email, phone, and website contact information, but GRT failed to respond to any communications.

iv. During the 1/29/2026 inspection, Trombly and Yoscovits introduced Board Agents to Physician Assistant Brent Bernard [Ohio Medical Board license 50.003722RX], who was purported to be the new RP.

1. PA Bernard stated he began working at GRT on 12/18/2025 but did not start seeing patients until 1/19/2026.

v. As of the date of this Notice, GRT has not submitted a written notification of change of RP to the Board.

i. GRT does not have a completed Supervising Agreement on file for new prescriber, PA Bernard. The agreement was only signed by PA Bernard, but not the supervising physician, Dr. Marren Weber [Ohio Medical Board license 34.009759].

POTENTIAL VIOLATIONS OF LAW

1. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of section 3715.52(A) 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[1] or misbranded,[2] 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).

[1] ORC Section 3715.63 – When drug or device is adulterated.
[2] ORC Section 3715.64 – Misbranded drug or device.

2. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of Section 4729.51(F) of the ORC, effective April 9, 2025, Selling, purchasing, distributing, or delivering dangerous or investigational drugs – 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, 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, each constitutes a violation of Section 4729.60(B) of the ORC, Verification of license prior to transactions – 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, each constitutes a violation of the following sections of Rule 4729:5-3-04 of the OAC, as effective March 1, 2019, Verification of licensure prior to sale or purchase, 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) 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, constitutes a violation of the following divisions of Rule 4729:5-3-06 of the OAC, as effective March 1, 2019, Storage of adulterated drugs, each violation punishable by a maximum penalty of $1,000:

    a. 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, OAC 4729:5-3-06; and/or

        i. Adulterated drugs shall be stored no longer than one year from the date of adulteration or expiration by those holding a terminal distributor of dangerous drugs license. Adulterated drugs shall be stored in a manner that prohibits access by unauthorized persons, OAC 4729:5-3-06(A); and/or

ii. Dangerous drugs, other than controlled substances, may be destroyed utilizing proper methods of disposal and following the record keeping requirements noted in agency 4729 of the Administrative Code, or may be donated to a pharmacy school pursuant to sections 3715.88 to 3715.92 of the Revised Code. Methods of disposal of non-controlled dangerous drugs shall prevent the possession or use of the drugs by unauthorized persons, OAC Rule 4729:5-3-06(B).

6. 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, as effective February 4, 2021, Security, control and storage of dangerous drugs, 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. 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

   c. 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

      iii. The terminal distributor shall develop and implement a policy that no food or beverage products are permitted to be stored in refrigerators or freezers used to store drugs, OAC Rule 4729:5-19-03(K)(3); and/or

   d. 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

e. 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).

7. 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).

8. Such conduct as set forth in Allegations Section, if proven, each constitutes a violation of the following sections of Rule 4729:5-19-04 of the OAC, Record Keeping, as effective March 1, 2020, 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 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

f. 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

g. 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

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).

9. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following sections of Rule 4729:7-3-03 of the OAC, as effective March 31, 2021, Non-Hazardous Drugs Compounded by a Prescriber, each violation punishable by a maximum penalty of $1,000:

a. Except as provided in paragraph (C) of this rule, all non-hazardous, sterile compounded drug preparations, shall be prepared in accordance with United States pharmacopeia chapter <797>, OAC Rule 4729:7-3-03(B); and/or

b. For all immediate-use, non-hazardous sterile compounded drug preparations, a prescriber shall comply with either:

i. Rule 4729:7-3-04 of the Administrative Code, OAC Rule 4729:7-3-03(C)(1); or

ii. United States pharmacopeia chapter <797>, OAC Rule 4729:7-3-03(C)(2); and/or

c. The responsible person of a facility where a prescriber is engaged in the compounding of dangerous drugs shall be responsible for all of the following:

i. Developing and implementing appropriate compounding procedures, OAC Rule 4729:7-3-03(E)(1); and/or

ii. Overseeing facility compliance with this rule, OAC Rule 4729:7-3-03(E)(2); and/or

iii. Compliance with Title 21 U.S. Code section 353a (November 27, 2013) and all other applicable federal and state laws, regulations and rules, OAC Rule 4729:7-3-03(E)(3); and/or

iv. Ensuring documented training and competency of compounding personnel, OAC Rule 4729:7-3-03(E)(4); and/or

v. Ensuring environmental control of the compounding areas, OAC Rule 4729:7-3-03(E)(5); and/or

vi. Ensuring compounded drug preparations maintain quality and sterility until administered or personally furnished, OAC Rule 4729:7-3-03(E)(6); and/or

vii. Maintaining drug compounding records pursuant to rule 4729:7-3-06 of the Administrative Code, OAC Rule 4729:7-3-03(E)(7); and/or

viii. The proper maintenance, cleanliness, and use of all equipment used in compounding, OAC Rule 4729:7-3-03(E)(8); and/or

ix. Ensuring aseptic technique for the preparation of all sterile compounded drugs, OAC Rule 4729:7-3-03(E)(9).

10. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following sections of Rule 4729:7-3-04 of the OAC, as effective April 2, 2021, Immediate-use, sterile non-hazardous drugs compounded by a prescriber, each violation punishable by a maximum penalty of $1,000:

a. The responsible person of a facility where a prescriber is engaged in the compounding of immediate-use, sterile non-hazardous dangerous drug preparations in accordance with paragraph (B) of this rule shall be responsible for all the following:

i. Developing and implementing appropriate compounding procedures, OAC Rule 4729:7-3-04(A)(1); and/or

ii. Overseeing facility compliance with this rule, OAC Rule 4729:7-3-04(A)(2); and/or

iii. Compliance with Title 21 U.S.C. section 353a (11/27/2013) and all other applicable federal and state laws, regulations and rules, OAC Rule 4729:7-3-04(A)(3); and/or

iv. Ensuring that compounded drug preparations maintain quality and sterility until administered, OAC Rule 4729:7-3-04(A)(5); and/or

v. Maintaining drug compounding records pursuant to rule 4729:7-3-06 of the Administrative Code, OAC Rule 4729:7-3-04(A)(6); and/or

b. Immediate-use, sterile compounded drug preparations are exempt from the requirements in rule 4729:7-3-03 of the Administrative Code if all the following criteria are met:

i. The beyond-use date for an immediate-use compounded drug preparation is as follows:

1. Except as provided in paragraph (B)(4)(b) of this rule, no later than six-hours following preparation of the drug, OAC Rule 4729:7-3-04(B)(4)(a); and/or

ii. Unless administered immediately, the compounded drug preparation shall bear a label listing all the following:

1. Except for preparations compounded in accordance with paragraph (G)(2) of this rule, patient identification information, including the patient's first and last name, OAC Rule 4729:7-3-04(B)(6)(a); and/or

2. The name and quantity of each ingredient, OAC Rule 4729:7-3-04(B)(6)(b); and/or

3. The beyond-use date and time prepared, OAC Rule 4729:7-3-04(B)(6)(c); and/or

4. The name or initials of the person who prepared the compounded drug preparation, OAC Rule 4729:7-3-04(B)(6)(d); and/or

iii. Immediate-use compounded drug preparations are for administration only and shall not be personally furnished by a prescriber, OAC Rule 4729:7-3-04(B)(7); and/or

c. Unless administered within one-hour of preparation, sterile compounded drug preparations for immediate-use shall be prepared in a designated clean medication area that is not adjacent to areas where potentially contaminated or hazardous items are placed. Such an area shall be limited to compounding personnel and shall not be in a location that has unsealed windows or doors that connect to the outdoors or high traffic flow, or that is adjacent to construction sites, warehouses, or food preparation. Cleaning and disinfection agents must be selected and used with careful consideration of compatibility, effectiveness, and inappropriate or toxic residues. Cleaning and disinfecting shall occur before compounding is performed. This shall be followed by wiping with a residue-free disinfecting agent, such as sterile seventy per cent isopropyl alcohol, which is allowed to dry before compounding begins, OAC Rule 4729:7-3-04(C); and/or

d. Preparations that are deemed category two, medium-risk level, or high-risk level compounded drug preparations as defined in United States pharmacopeia chapter <797> shall not be prepared as immediate-use, OAC Rule 4729:7-3-04(D); and/or

e. Preparations that do not meet all the requirements listed in paragraph (B) of this rule shall comply with the requirements in rule 4729:7-3-03 of the Administrative Code, OAC Rule 4729:7-3-04(E); and/or

f. Records of drug compounding shall be maintained pursuant to rule 4729:7-3-06 of the Administrative Code, OAC Rule 4729:7-3-04(H); and/or

g. For all compounded drugs prepared pursuant to this rule, a prescriber shall:

    i. Inspect and approve the compounding process, OAC Rule 4729:7-3-04(L)(1); and/or

    ii. Except as provided in paragraph (M) of this rule, perform medication validation ("final check") prior to the medication being administered, OAC Rule 4729:7-3-04(L)(2); and/or

h. The requirements of paragraph (M)(2) of this rule do not apply to either of the following:

    i. A compounded drug preparation is being administered to a patient in the facility by a nurse licensed under Chapter 4723. of the Revised Code pursuant to a prescriber's order and, prior to administration, at least two nurses that are approved by the responsible person to prepare or administer compounded drugs comply with the requirements in paragraph (N) of this rule, OAC Rule 4729:7-3-04(M)(1); or

    ii. A compounded drug preparation is prepared and administered to a patient in the facility by a nurse licensed under Chapter 4723. of the Revised Code pursuant to a prescriber's order and, prior to administration, the same nurse complies with paragraph (N) of this rule, OAC Rule 4729:7-3-04(M)(2); and/or

i. All the following are required to administer a compounded drug preparation in accordance with paragraphs (M)(1) and (M)(2) of this rule:

    i. Verify the accuracy of:

        1. Drug name, OAC Rule 4729:7-3-04(N)(3)(a); and

        2. Drug strength and dosage form, OAC Rule 4729:7-3-04(N)(3)(b); and

        3. Drug volume, OAC Rule 4729:7-3-04(N)(3)(c); and

        4. Rate of administration, OAC Rule 4729:7-3-04(N)(3)(d); and

        5. Route of administration, OAC Rule 4729:7-3-04(N)(3)(e); and

        6. Expiration dates/times, OAC Rule 4729:7-3-04(N)(3)(f); and

        7. Appearance and physical integrity of the drugs, OAC Rule 4729:7-3-04(N)(3)(g); and/or

ii. Indicate in the compounding record verification was completed, OAC Rule 4729:7-3-04(N)(4).

11. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following sections of Rule 4729:7-3-06 of the OAC, as effective March 31, 2021, Record Keeping, each violation punishable by a maximum penalty of $1,000:

    a. The responsible person shall maintain the following records relating to the compounding of dangerous drugs:

        i. All drug orders and records, including logs, relating to the compounding of drugs. Such drug orders and records may be retained by any process providing an exact duplicate of the original order or prescription, OAC Rule 4729:7-3-06(A)(1); and/or

        ii. Records of each drug compounded shall, at a minimum, include all the following:

            1. The full name of the patient, unless compounded in accordance with paragraph (G)(2) of rule 4729:7-3-04 of the Administrative Code, OAC Rule 4729:7-3-06(A)(3)(a); and/or

            2. Name, strength, and dosage form of the compounded drug, OAC Rule 4729:7-3-06(A)(3)(b); and/or

            3. Name and quantity of each ingredient, OAC Rule 4729:7-3-06(A)(3)(c); and/or

            4. If a controlled substance, the disposition of unused drug(s) and amount, OAC Rule 4729:7-3-06(A)(3)(d); and/or

            5. Date and time of preparation, OAC Rule 4729:7-3-06(A)(3)(e); and/or

            6. Beyond-use date of the compounded drug, OAC Rule 4729:7-3-06(A)(3)(f); and/or

            7. The positive identification of the personnel responsible for compounding the drug, OAC Rule 4729:7-3-06(A)(3)(g); and/or

            8. The positive identification of either of the following:

                a. Person or persons performing medication validation prior to the compounded drug being administered, OAC Rule 4729:7-3-06(A)(3)(h)(i); and/or

                b. The prescriber personally furnishing the compounded drug, OAC Rule 4729:7-3-06(A)(3)(h)(ii).

12. Such conduct as set forth in the Allegations Section, if proven, each 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 punishable by a maximum penalty of $1,000:

a. A location licensed as a terminal distributor of dangerous drugs must have a responsible person at all times, OAC Rule 4729:5-2-01(E)(1); 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. A responsible person must be physically present at the location for a sufficient amount of time to provide supervision and control of dangerous drugs on-site, OAC Rule 4729:5-2-01(E)(5); 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).

13. Such conduct as set forth in Allegations Section, if proven, constitutes a violation of each of the following divisions of Section 4729.54 of the ORC, as effective September 30, 2025, Terminal distributor licenses, each violation punishable by a maximum penalty of $1,000:

    a. A person holding a license issued under this section shall designate, and shall have available at all times, a person to serve for the licensed location in a position to be known as "responsible person." A person may be designated and serve as a responsible person only if the person meets the requirements established in rules that the board shall adopt under section 4729.26 of the Revised Code. Along with the license holder, a responsible person shall accept responsibility for the operation of the licensed location in accordance with all applicable state and federal laws and rules. A license holder shall notify the board of the person who is designated to serve as the responsible person and, thereafter, shall notify the board each time a change is made in the designation. Notice to the board shall be provided in accordance with procedures established in rules that the board shall adopt under section 4729.26 of the Revised Code, ORC 4729.54(K).

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. 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

    e. 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. Falsely or fraudulently promoting to the public a dangerous drug, except that nothing in this rule prohibits a terminal distributor of dangerous drugs from furnishing information concerning a dangerous drug to a health care provider or another licensed terminal distributor, OAC Rule 4729:5-4-01(B)(6); 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, 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 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 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 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/jrn

cc: Kimberly Anderson, Ohio Medical Board, at Kimberly.Anderson@med.ohio.gov;
David Geiger, Ohio Board of Nursing, at David.Geiger@nursing.ohio.gov.