



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

**-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: 7/10/2025  
**-MUST HAVE BOARD SEAL TO BE OFFICIAL-**

**IN THE MATTER OF:**

**CASE NO. A-2025-0198**

**Grace and Glam Medical Spa**

c/o Diane Appleberry, CNP  
8130 Beechmont Ave.  
Cincinnati, OH 45255

**License No. 02-64000779**

July 10, 2025

Dear Grace and Glam Medical Spa and Diane Appleberry, CNP:

**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 Grace and Glam Medical Spa's 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 Grace and Glam Medical Spa's method used to possess or distribute dangerous drugs. As such, the Board summarily suspends Grace and Glam Medical Spa's 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. 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. Grace and Glam Medical Spal (Grace and Glam), located at 8130 Beechmont Ave. Cincinnati, Ohio, is a licensed TDDD under license number 02-64000779 and lists Diane Appleberry [Ohio Board of Nursing license number APRN.CNP.025837] as the Responsible Person (RP) and owner.

### **ALLEGATIONS**

1. On or about June 18, 2025, during an inspection at Grace and Glam, TDDD license number 02-64000779, a prescriber clinic licensed by the Board, a Board Inspector observed a partial vial of an unidentified substance labeled "AOD-9604," "Not for human or animal consumption of any kind," and "Research use only." [*NOTE: Research Use Only drugs are not approved by the Food and Drug Administration (FDA). They are drugs specifically designed and labeled for use in scientific research and not for clinical or diagnostic purposes.*] The vial had a cap removed and had been punctured and labeled with date of first puncture. The vials of AOD 9604 were purchased from Peptide Sciences, which is an illegitimate 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.
2. During the inspection on June 18, 2025, CNP Appleberry stated that she bought the vial from Peptide Sciences, which is located in Florida and not licensed in Ohio. CNP Appleberry further stated that she had used the substance on herself but not on any patients.
3. The inspection conducted on June 18, 2025, resulted in warnings requiring written responses, including;
  - a. Purchase of vial labeled AOD-9604 labeled "for research use only" and "not for human or animal consumption of any kind," from an unlicensed wholesaler. Clinic did not verify licensure of any place they are purchasing drug stock from prior to purchase.
  - b. Clinic has one refrigerator for drug storage. The refrigerator does not have a thermometer/temperature log or temperature monitoring system.
  - c. Clinic stored adulterated drugs (AOD-9604) in the active drug stock.

### **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<sup>1</sup> or misbranded,<sup>2</sup>, ORC Sections 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 states: A drug or device is adulterated within the meaning of sections 3715.01 and 3715.52 to 3715.72 of the Revised Code, if any of the following apply:

- 1. It consists, in whole or in part, of any filthy, putrid, or decomposed substance, ORC Section 3715.63(A)(1); and/or
- 2. It has been produced, processed, prepared, packed, or held under unsanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health, ORC Section 3715.63(A)(2); and/or
- 3. It is a drug and its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health, ORC Section 3715.63(A)(3); and/or
- 4. \* \* \*
- 5. It purports to be or is represented as a drug the name of which is recognized in the United States pharmacopoeia and national formulary, or any supplement to them, and its strength differs from or its quality or purity falls below the standard set forth in those compendiums. A determination as to strength, quality, or purity shall be made in accordance with the tests or methods of assay set forth in the compendiums, or in the absence or inadequacy of such tests or methods of assay, those prescribed under the authority of the "Federal Food, Drug, and Cosmetic Act." A drug recognized in the compendiums is not adulterated under this division because it differs from the standard of strength, quality, or purity set forth for that drug in the compendiums, if the difference in strength, quality, or purity is plainly stated on its label. Whenever a drug is recognized in both the homoeopathic pharmacopoeia of the United States and in the United States pharmacopoeia and national formulary, including their supplements, it shall be subject to the requirements of the United States pharmacopoeia and national formulary unless it is labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the homoeopathic pharmacopoeia of the United States and not to those of the United States pharmacopoeia and national formulary, ORC Section 3715.63(A)(5); and/or
- 6. It is not subject to the provisions of division (A)(5) of this section, and its strength differs from or its purity or quality falls below that which it purports or is represented to possess, ORC Section 3715.63(A)(6).

<sup>2</sup> ORC Section 3715.64 states: A drug or device is misbranded within the meaning of sections 3715.01 and 3715.52 to 3715.72 of the Revised Code, if:

- 1. Its labeling is false or misleading in any particular, ORC Section 3715.64(A)(1); and/or
- 2. It is in package form and does not bear a label containing both of the following:
  - a. In clearly legible form, the name and place of business of the manufacturer, packer, or distributor, ORC Section 3715.64(A)(2)(a); and/or
- 3. Any word, statement, or other information that is required by or under authority of sections 3715.01 and 3715.52 to 3715.72 of the Revised Code to appear on the label or labeling is not prominently placed on the label or labeling in a conspicuous manner, as compared with other words, statements, designs, or devices on the label or labeling, and in terms that render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, ORC Section 3715.64(A)(5); and/or
- 4. It is an imitation of another drug, ORC Section 3715.64(A)(10)(b); and/or
- 5. It is offered for sale under the name of another drug, ORC Section 3715.64(A)(10)(c).

- 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, each constitutes a violation of Section 4729.51(F) of the ORC, effective October 3, 2023, 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, 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, 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 Allegations Section, if proven, each constitutes a violation of the following sections of Rule 4729:5-19-03(K) of the OAC, as effective February 4, 2021, each violation punishable by a maximum penalty of \$1,000: 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).
6. 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, as effective February 4, 2021, each violation punishable by a maximum penalty of \$1,000:
  - a. 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: (1) For temperature logs, either: (a) The date and time of observation, the full name or the initials of the person performing the check, and the temperature recorded; or (b) For systems that perform 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).
7. 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 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 secured area apart from the storage of drugs used for dispensing, personally furnishing, compounding and administration.
  - a. 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 Rule 4729:5-3-06(A); and/or
  - b. 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); and/or
  - c. Dangerous drugs that are controlled substances shall be disposed of pursuant to rule 4729:5-3-01 of the Administrative Code, OAC Rule 4729:5-3-06(C).
8. 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, as effective April 25, 2022, each 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. 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).
9. 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).
10. 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. 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

- e. 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
- f. 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/sam/jrn

cc: David Geiger, Esq., Ohio Board of Nursing at [david.geiger@nursing.ohio.gov](mailto:david.geiger@nursing.ohio.gov)