

Minutes of the August 31-September 1, 2015
Meeting of the Ohio State Board of Pharmacy

Monday, August 31, 2015

10:02 a.m. The Ohio State Board of Pharmacy convened in Room South B&C, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Kilee S. Yarosh, R.Ph., *President*; Megan E. Marchal, R.Ph.; Michael A. Moné R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

Also present were Steven Schierholt, *Executive Director*; Kevin Mitchell, *Assistant Executive Director*; Eric Griffin, *Director of Compliance and Enforcement*; David Ingram, *Associate Legal Counsel*; Chad Garner, *Director of OARRS*; and Cameron McNamee, *Director of Policies and Communications*.

OATH OF NEW MEMBER

I, Curtis L. Passafume, as a Member of the Ohio State Board of Pharmacy, do solemnly swear to uphold the Constitution of the United States and the state of Ohio; to impartially enforce the laws governing the profession of pharmacy and the legal distribution of drugs in the State of Ohio; and carry out the responsibilities of the Board as mandated by the laws of the State of Ohio without bias or prejudice, so help me God.

President Yarosh administered the Oath of Office to new Member, Curtis Passafume.

OATH OF NEW MEMBER

I, Shawn C. Wilt, as a Member of the Ohio State Board of Pharmacy, do solemnly swear to uphold the Constitution of the United States and the state of Ohio; to impartially enforce the laws governing the profession of pharmacy and the legal distribution of drugs in the State of Ohio; and carry out the responsibilities of the Board as mandated by the laws of the State of Ohio without bias or prejudice, so help me God.

President Yarosh administered the Oath of Office to new Member, Shawn Wilt.

10:06 a.m. The Board was joined by Assistant Attorney General Charissa Payer to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Bryan Hunter Greenwood, R.Ph.**, New Philadelphia, Ohio.

11:27 a.m. The hearing ended and the record was closed.

Mr. Moné moved that the Board recess in order to consider the quasi-judicial matters in accordance with Chapter 119. of the Revised Code and the case precedent of *Angerman v. State Medical Bd.* (1990) 70 Ohio App.3d 346 and *TBC Westlake Inc. v. Hamilton Cty Bd of Revision, et al.* (1998) 81 Ohio St.3d 58. The motion was seconded by Mr. Passafume and a roll-call vote was conducted by President Yarosh as follows: Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

11:40 a.m. The recess ended and the hearing was opened to the public.

R-2016-051 After votes were taken in public session, the Board adopted the following order in the matter of **Bryan Hunter Greenwood, R.Ph.**, New Philadelphia, Ohio.

ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2013-1374)

In The Matter Of:

Bryan Hunter Greenwood, R.Ph.

837 2nd Street, SE, Apt. C

New Philadelphia, Ohio 44663

(R.Ph. License No. 03-3-31141)

INTRODUCTION

The Matter of Bryan Greenwood came for hearing on August 31, 2015, before the following members of the State of Ohio Board of Pharmacy (Board): Kilee S. Yarosh, R.Ph. (presiding); Megan E. Marchal, R.Ph.; Michael A. Moné, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

Bryan Greenwood was represented by Steven Anderson. The State of Ohio was represented by Charissa D. Payer, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

None

Respondent's Witnesses:

1. Bryan Greenwood, R.Ph., Respondent
2. John McLaughlin, PRO Advocate

State's Exhibits:

1. Request for Reinstatement 06-15-2015
- 1A-B. Procedurals
2. Order of the State of Ohio Board of Pharmacy, 11-12-2014

RE: Bryan Greenwood

Respondent's Exhibits:

A.	Psychiatric Evaluation w/Progress Report	04-14-2015
B.	PRO Contracts	11-17-2014
C.	Urine Screens	Various
D.	AA Attendance Records	Various
E.	Letter of Dr. Pavan Dontineni Venkata, MD	05-13-2015
F.	Affidavit of John McLaughlin	05-15-2015
G.	CPE Transcripts	Various
H.	Affidavit of Lindsey Lewis	05-04-2015

FINDING OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that Bryan Greenwood has complied with the terms set forth in the Order of the State Board of Pharmacy, Case No. 2013-1374, effective November 12, 2014.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-3-31141, held by Bryan Greenwood to practice pharmacy in Ohio subject to a period of probation for five years beginning on the effective date of this Order, with the following conditions:

(A) Bryan Greenwood must enter into a **new** contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:

(1) **Random, observed** urine drug screens shall be conducted at least once each month.

(a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.

(b) Alcohol and Ethyl Glucoronide (ETG) must be added to the standard urine drug screen.

(c) Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive

results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.

(d) In the event of a negative diluted screen, a hair sample test must be completed at the cost of the Respondent no later than 12 hours from receipt of the negative result.

(2) The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.

(3) Attendance is required a minimum of three times per calendar week (Sunday through Saturday) on separate days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

(B) Bryan Greenwood shall not refuse an employer provided drug or alcohol screen. If the Board becomes aware of any positive drug or alcohol screen results that were obtained in the course of employment or any mechanism other than via the signed contract with ODMHAS, the Board shall treat these results as a violation of the Board's Orders and request Respondent reappear before the Board for possible additional sanctions, including and up to revocation of license.

(C) Bryan Greenwood shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of probation. The Board shall treat any such refusal as a violation of the Board's Orders and request Respondent reappear before the Board for possible additional sanctions, including and up to revocation of license.

(D) Bryan Greenwood must immediately report any violation of the terms of this probation to the Board by contacting Rachael Collins at 614-466-7614.

(E) Bryan Greenwood must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:

(1) The written report and documentation provided by the treatment program pursuant to the contract, and

(2) A written description of Bryan Greenwood's progress towards recovery and what Bryan Greenwood has been doing during the previous three months.

(3) Quarterly reports should be submitted to legal@pharmacy.ohio.gov

(F) Other terms of probation are as follows:

(1) The State Board of Pharmacy hereby declares that Bryan Greenwood's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.

(2) Bryan Greenwood may not serve as a responsible pharmacist.

(3) Bryan Greenwood may not destroy, assist in, or witness the destruction of controlled substances.

(4) Bryan Greenwood may not work in a pharmacy more than 40 hours per week or 80 hours over a two week period.

(5) Bryan Greenwood must not violate the drug laws of Ohio, any other state, or the federal government.

(6) Bryan Greenwood must abide by the rules of the State Board of Pharmacy.

(7) Bryan Greenwood must comply with the terms of this Order.

(8) Bryan Greenwood's license is deemed not in good standing until successful completion of the probationary period.

(G) Any violation of probation may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code.

Mr. Moné moved for Findings of Fact; Mr. Passafume seconded the motion. Motion passed (Aye-5/Nay-0).

Mr. Weaver moved for Action of the Board; Ms. Marchal seconded the motion. Motion passed (Aye-5/Nay-0).

SO ORDERED.

11:42 a.m. The Board recessed for lunch.

1:11 p.m. The meeting reconvened in Room South B&C.

The Board was joined by Assistant Attorney General Charissa Payer to create a record in accordance with the Ohio Revised Code Chapters 119. and 4729. in the matter of **Wholesaler Group, Inc.,** Bayamon, Puerto Rico.

1:24 p.m. Mr. Moné moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law. The motion was seconded by Mr. Weaver and a roll-call vote was conducted by President Yarosh as follows: Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

1:29 p.m. The meeting reconvened in Room South B&C. The matter of Wholesaler Group, Inc. was tabled.

1:31 p.m. Ms. Marchal provided the CPG and PAPC Committee updates.

Mr. Griffin provided the Compliance and Enforcement Report

1:41 p.m. Mr. Mitchell provided the licensing report.

R-2016-052 Shadi Neyef Abu-Baker submitted a 4729-3-04(B) exemption request. Mr. Weaver moved to deny the request. The motion was seconded by Mr. Moné and approved by the Board: Aye – 5.

2:00 p.m. Mr. McNamee provided the Legislative update.

R-2016-053 Mr. Wilt moved to approve the following Resolution. The motion was seconded by Ms. Marchal and approved by the Board: Aye – 5.

CORONER ACCESS TO OARRS

Section 313.02 of the Ohio Revised Code requires a coroner to be a licensed physician for a period of two years that is in good standing in their profession.

Section 4729.80 of the Ohio Revised Code states that on receipt of a request from a prescriber or the prescriber's delegate approved by the board, the board shall provide to the prescriber a report of information from the database relating to a patient who is either a current patient of the prescriber or a potential patient of the prescriber based on a referral of the patient to the prescriber, if all of the following conditions are met:

(a) The prescriber certifies in a form specified by the board that it is for the purpose of providing medical treatment to the patient who is the subject of the request;

(b) The prescriber has not been denied access to the database by the board.

It has been a policy of the Board that a coroner who is conducting **an active** death investigation is considered the treating prescriber and can access the database for their patient.

While many coroners run a patient's OARRS report during their initial investigation, the Board has been contacted by several county coroners' seeking OARRS information to supplement their initial findings on a previously completed death investigation.

These requests are intended to assist coroners who are conducting in-depth reviews of decedents in order to gain a better understanding of the circumstances surrounding overdose deaths in their community. The information provided by these reviews informs community prevention efforts aimed at curbing drug overdose and can provide additional information on any potential violations of Ohio law.

In order to address questions regarding OARRS access by coroners in the investigation of drug overdose deaths, the State of Ohio Board of Pharmacy hereby recognizes that a coroner remains the treating prescriber for a decedent beyond the initial investigation period for the purpose of accessing OARRS to conduct a thorough and complete review of the circumstances surrounding a patient's death.

R-2016-054 The Board received an application for the Continuing Education Provider Status of **Corrie Carney, R.Ph.** (03-3-25448) Shaker Heights, Ohio. Mr. Weaver moved that the Continuing Education Provider Status be approved. The motion was seconded by Ms. Marchal and approved by the Board: Aye – 4/Abstain – 1.

R-2016-055 The Board received an application for the Continuing Education Provider Status of **Rhianna Godios, R.Ph.** (03-2-32740) Fairlawn, Ohio. Mr. Wilt moved that the Continuing Education Provider Status be approved. The motion was seconded by Mr. Passafume and approved by the Board: Aye – 4/Abstain – 1.

R-2016-056 The Board received an application for the Continuing Education Provider Status of **Angela Haskell, R.Ph.** (03-3-25799) Monroe, Ohio. Mr. Weaver moved that the Continuing Education Provider Status be approved. The motion was seconded by Mr. Wilt and approved by the Board: Aye – 4/Abstain – 1.

R-2016-057 The Board received an application for the Continuing Education Provider Status of **Nicole Wurm, R.Ph.** (03-2-32628) Stow, Ohio. Mr. Passafume moved that the Continuing Education Provider Status be approved. The motion was seconded by Ms. Marchal and approved by the Board: Aye – 4/Abstain – 1.

2:13 p.m. Mr. Garner provided the OARRS update.

2:23 p.m. Ms. Marchal moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be

confidential by law. The motion was seconded by Mr. Weaver and a roll-call vote was conducted by President Yarosh as follows: Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

3:40 p.m. The meeting reconvened in Room South B&C.

The Board recessed for the day.

Tuesday, September 1, 2015

9:00 a.m. The Ohio State Board of Pharmacy convened in Room South B&C, 31st Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, with the following members present:

Kilee S. Yarosh, R.Ph., *President*; Edward T. Cain, *Public Member*; Megan E. Marchal, R.Ph.; Michael A. Moné R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Fred M. Weaver, R.Ph. and Shawn C. Wilt, R.Ph.

R-2016-058 Ms. Marchal moved that the Board Minutes of August 3-5, 2015, be approved as amended. Mr. Cain seconded the motion and it was approved by the Board: Aye – 6.

9:04 a.m. Mr. Moné moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law. The motion was seconded by Mr. Weaver and a roll-call vote was conducted by President Yarosh as follows: Cain – yes; Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.

10:23 a.m. The meeting reconvened in Room South B&C.

R-2016-059 Ms. Yarosh announced that the citation issued to KRS Global Biotechnology be dismissed.

R-2016-060 Mr. Moné moved that the request for settlement presented by **John Piepmeier**, R.Ph. (03-2-09551) Cincinnati, Ohio, be accepted allowing for sufficient time for the preparation and approval of settlement documentation. The motion was seconded by Mr. Weaver and approved by the Board: Aye – 5.

R-2016-061 Mr. Weaver moved that the request for settlement presented by **Tri-State Pharmacy** (02-248350) Weirton, West Virginia, be accepted allowing for sufficient time for the preparation and approval of settlement documentation. The motion was seconded by Ms. Marchal and approved by the Board: Aye – 5/Nay – 0/Abstain - 1.

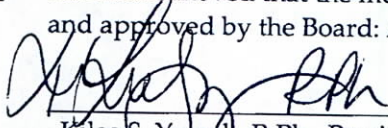
- R-2016-062** Mr. Moné moved that the request for settlement presented by **Eric Hamon, R.Ph.** (03-2-23513) Sebring, Ohio, be accepted allowing for sufficient time for the preparation and approval of settlement documentation. The motion was seconded by Mr. Passafume and approved by the Board: Aye – 5/Nay – 0/Abstain - 1.
- R-2016-063** Mr. Moné moved that the request for settlement presented by **Buderer Drug Company, c/o Matthew Buderer, R.Ph.** (02-1198400) Perrysburg, Ohio, be accepted allowing for sufficient time for the preparation and approval of settlement documentation. The motion was seconded by Mr. Passafume and approved by the Board: Aye – 5/Nay – 0/Abstain - 1.
- R-2016-064** Mr. Moné moved that the request for settlement presented by **Exclusive Services** (02-2437850) Perrysburg, Ohio, be accepted allowing for sufficient time for the preparation and approval of settlement documentation. The motion was seconded by Mr. Weaver and approved by the Board: Aye – 5/Nay – 0/Abstain - 1.
- R-2016-065** Mr. Moné moved that the specific request submitted by Melissa Dunham, R.Ph be approved. The motion was seconded by Mr. Weaver and approved by the Board: Aye – 5/Nay – 1.
- R-2016-066** Mr. Weaver moved to approve the dilute protocol language, presented by Mr. Ingram, to be used in the Board’s standard terms and condition. The motion was seconded by Mr. Wilt and approved by the Board: Aye – 6.
- 10:50 a.m.** Mr. Moné moved that the Board go into Executive Session to consider the investigation of charges or complaints against a licensee, confer with Board counsel regarding a pending or imminent court action and to discuss matters required to be confidential by law. The motion was seconded by Ms. Marchal and a roll-call vote was conducted by President Yarosh as follows: Cain – yes; Marchal – yes; Moné – yes; Passafume – yes; Weaver – yes; and Wilt – yes.
- 11:45 a.m.** The meeting reconvened in Room South B&C.

The Board recessed for lunch.
- 1:30 p.m.** The following candidates for licensure by reciprocity participated in a discussion of pharmacy laws and rules with Ms. Terri Ghitman, *OARRS Pharmacist*, in Room South A, 31st Floor of the Vern Riffe Center for Government and the Arts:
- | | |
|----------------------|---------------|
| BRADLEY C. BALESTRA | WEST VIRGINIA |
| JOSEPH LEO CROSS | NEW YORK |
| SARAH COCHRAN-FLOYD | PENNSYLVANIA |
| KATHLEEN FAULKENBERG | KENTUCKY |
| DASANTILA GJIDEDE | MASSACHUSETTS |
| JOHN S. HELFRICH | INDIANA |
| DIVISHA B. JARIWALA | NEW JERSEY |

EUN JOO KIM	NEVADA
NATASHA G. KING	FLORIDA
MEGAN E. LABRECK	NEW YORK
MARYJOY ROSALIE LEPAK	SOUTH CAROLINA
KRISTA ANN LAUCK	PENNSYLVANIA
THOMAS MCCARTHY	WEST VIRGINIA
SOTHEA PHON	MARYLAND
MICHAEL MARK PISKURIC	PENNSYLVANIA
KATILYN RAE RUSSELL	PENNSYLVANIA
LAURA J. SOLOMON	MICHIGAN
ANDREW THOMAS STACY	KENTUCKY
JARETT SZCZEPANSKI	WEST VIRGINIA
DOROTHY HELENE VANDERMEY	MICHIGAN
ERIC WODUSKY	FLORIDA
LILLIAN JOY WOODS	ARIZONA
BRIAN BURKHOLDER	OHIO

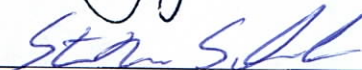
1:49 p.m. The meeting reconvened in Room South B&C.

R-2016-067 Mr. Moné moved that the meeting be adjourned. The motion was seconded by Mr. Wilt and approved by the Board: Aye – 5.



Kilee S. Yarosh, R.Ph., President

Date: 10-12-15



Steven W. Schierholt, Esq., Executive Director

Date: 10/15/15