



**MINUTES OF THE DECEMBER 6-7, 2021**  
**MEETING OF THE STATE OF OHIO BOARD OF PHARMACY**

**Monday, December 6, 2021**

**10:03 a.m.**

The State of Ohio Board of Pharmacy convened in the Hearing Room, 17th Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, for a public meeting, which was also broadcast via Microsoft Teams audio/visual conference call, with the following members present:

Rich Miller, RPh, *President*; Shawn C. Wilt, RPh, *Vice President*; Trina Buettner, RPh; Jason George, RPh; Victor Goodman, *Public Member*; TJ Grimm, RPh; Jeff Huston, RPh, and Jennifer Rudell, RPh.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Michelle Bohan, *Associate Legal Counsel*; Ashley Gilbert, *Senior Legal Counsel*; Joseph Koltak, *Senior Legal Counsel*; Kathryn Lewis, *Legal Administrative Assistant*; Michelle Siba, *Senior Legal Counsel*.

**10:01 a.m.**

The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **Ann Vannest, Marietta, Ohio.**

**R-2022-0278**

Mr. Wilt 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 Ms. Rudell and a roll-call vote was conducted by President Miller as follows: Wilt-yes; Buettner-yes; George-yes; Goodman-yes; Grimm-yes; Huston-yes; and Rudell-yes.

**11:03 a.m.**

The deliberation ended and the hearing was opened to the public.

**R-2022-0279**

After votes were taken in public session, the Board adopted the following order in the Matter of **Ann Vannest, Marietta, Ohio.**

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**ORDER OF THE STATE BOARD OF PHARMACY**  
**Case Number A-2020-0384**

In The Matter Of:

**Ann Vannest**  
**128 Arrow Drive**  
**Marietta, OH 45750**  
**Respondent's License no. 03-329130**

INTRODUCTION

The Matter of Ann Vannest came for hearing on December 6, 2021, before the following members of the State of Ohio Board of Pharmacy (Board): Rich Miller, RPh, *Presiding*; Shawn Wilt, RPh, Vice President; Trina Buettner, RPh; Jason George, RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jeff Huston, RPh; and Jennifer Rudell, RPh.

Ann Vannest was represented by Attorney Bob Garrity. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

None

Respondent's Witnesses:

1. Ann Vannest
2. Andy Pierron, Executive Director, PRO

State's Exhibits:

1. 2020 Notice Letter
2. 2011 Notice Letter

3. 2014 Board Order
4. 2020 Board Order

Respondent's Exhibits:

- A. PRO contract; UDS results; Quarterly report
- B. 12 Step meeting attendance
- C. Continuing education
- D. Resume
- E. Letters of support
- F. Participant Summary Report (sealed)
  - G(1). Record of meeting attendance (September 13 – October 18)
  - G(2). Record of meeting attendance (October 19 – November 29)
- H. Letter of support (Dixon)

FINDINGS OF FACT & DECISION OF THE BOARD

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the Board finds that Ann Vannest has substantially complied with the terms set forth in the Board Order of the State of Ohio Board of Pharmacy, Case No. A-2020-0384, dated November 6, 2020.

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby approves the reinstatement of the pharmacist license no. 03-329130, held by Ann Vannest to practice pharmacy in Ohio, after completion of all proper licensure paperwork and payment of related fees, subject to a period of probation for five years beginning on the effective date of this Order, with the following conditions:

1. Ann Vannest must enter into and adhere to the terms of a **new** contract, signed within thirty days after the effective date of this Order, with a Board approved treatment monitor for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Ann Vannest should also submit to the Board documentation demonstrating compliance with an Ohio Department

of Mental Health and Addiction Services (ODMHAS) treatment provider, if applicable. Failure to adhere to the terms of the treatment contract and/or monitoring contract will be considered a violation of the Board's Order and subject Ann Vannest to potential sanctions up to and including revocation of license. The monitoring contract must provide that:

- a. Random, **observed** urine drug screens shall be conducted at least once each month.
  - b. 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.
  - c. Alcohol and Ethyl Glucuronide (ETG) must be added to the standard urine drug screen.
  - d. 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.
  - e. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the Ann Vannest in a timeframe consistent with the drug lab's recommended policy, but in any event no later than 12 days after the negative diluted screen.
  - f. Ann Vannest must meet the daily check-in requirements of the testing center or check-in requirements as otherwise proscribed by the treatment monitor.
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.

- a. 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.
  - b. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
3. Ann Vannest 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 Order and request Ann Vannest reappear before the Board for possible additional sanctions, including and up to revocation of license.
4. Ann Vannest 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 Order and request Ann Vannest reappear before the Board for possible additional sanctions, including and up to revocation of license.
5. Ann Vannest 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:
  - a. The written report and documentation provided by the treatment program pursuant to the contract, and
  - b. A written description of Ann Vannest's progress towards recovery and what she has been doing during the previous three months, and
  - c. Proof of compliance with all terms of probation, the monitoring contract, including all terms in OAC Rule 4729:4-1-04, and proof of compliance with treatment, if applicable.

6. Ann Vannest must provide copies of the Board order or settlement agreement to all employers or prospective employers, all licensing authorities in which she holds a professional license or applies for a professional license, and all persons who provide her chemical dependency treatment or monitoring, during the effective period of this order or agreement.
7. Other terms of probation are as follows:
  - a. Ann Vannest must meet at least annually with the Board's Probation Committee, the first meeting to be held **Monday, December 5, 2022**. Additional periodic appearances may be requested.
  - b. The State of Ohio Board of Pharmacy hereby declares that Ann Vannest's pharmacist license is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraphs (K) and (O) of Rule 4729:2-1-01 of the OAC.
  - c. Ann Vannest must obtain prior approval of the Board or the Board's probation committee of departures or absences in excess of ten days from the country. Periods of departure or absence shall not change the probationary term, unless otherwise determined by motion of the Board or the Board's probation committee. For absences of three months or longer, the Board or its probation committee may toll the length of probation, other than in instances where the Board or its probation committee can be assured that probationary monitoring is otherwise being performed.
  - d. Ann Vannest may not serve as a responsible pharmacist or a designated representative in a dispensary or for home medical equipment.
  - e. Ann Vannest may not engage in a consult agreement, unless approved by the Board.
  - f. Ann Vannest may not destroy, assist in, or witness the destruction of controlled substances.

- g. Ann Vannest may not work in a pharmacy more than 40 hours per week or 80 hours over a two week period.
  - h. Ann Vannest must not violate the drug laws of Ohio, any other state, or the federal government.
  - i. Ann Vannest must abide by the rules of the State of Ohio Board of Pharmacy.
  - j. Ann Vannest must comply with the terms of this Order.
  - k. Ann Vannest 's license is deemed not in good standing until successful completion of the probationary period.
  - l. Ann Vannest must provide continuing authorization for disclosure by the monitor and treatment provider (when applicable) to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for those individuals to fulfill their duties.
8. When deemed appropriate by the Board, Ann Vannest must submit to a psychiatric evaluation, and, where appropriate, continued treatment acceptable to the Board.
9. Ann Vannest may not request modifications to probationary terms for at least three years, however, limited, isolated deviations may be granted with approval by the Board, in exceptional circumstances.
10. Ann Vannest must immediately report any violation of the terms of this probation to the Board by contacting [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov). Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject Ann Vannest to possible additional sanctions, including and up to revocation of license.
11. Any violation of probation or this Board's Order may result in a Board hearing to consider alternative or additional sanctions

under Section 4729.16 of the Ohio Revised Code, including and up to revocation of Ann Vannest's license.

12. Periods during which Ann Vannest is not in compliance with all probationary terms shall toll the length of time of probation, or the Board may implement additional disciplinary action in addition to or instead of tolling probation.

At the conclusion of the probationary period, the Board will issue a letter indicating whether probation has been successfully completed. If the Board determines probation has not been successfully completed, it will issue a notice of opportunity for hearing to Ann Vannest.

Further, the Board hereby grants the State's Motion to Seal the Record in this matter including, but not limited to, all confidential personal information contained in the record, specifically Respondent's exhibit: F.

Ms. Buettner moved for Findings of Fact; Mr. Wilt seconded the motion. Motion passed (Yes-7/No-0).

Ms. Buettner moved for the Decision of the Board; Mr. Wilt seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

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**11:05 a.m.**

The Board was joined by Assistant Attorney General Henry Appel to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **Keith Wire, Pleasantville, Ohio.**

**R-2022-0280**

Mr. Wilt 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 Ms. Rudell and a roll-call vote was conducted by President Miller as follows: Wilt-

yes; Buettner-yes; George-yes; Goodman-yes; Grimm-yes; Huston-yes; and Rudell-yes.

**12:13 a.m.**

The deliberation ended and the hearing was opened to the public.

**R-2022-0281**

After votes were taken in public session, the Board adopted the following order in the Matter of **Keith Wire, Pleasantville, Ohio.**

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**ORDER OF THE STATE BOARD OF PHARMACY**

(Case Number A-2020-0299)

In The Matter Of:

**Keith Wire  
2403 Carroll Eastern Road  
Pleasantville, OH 43148  
(License No. 03-217369)**

**INTRODUCTION**

The Matter of Keith Wire came for hearing on December 6, 2021, before the following members of the State of Ohio Board of Pharmacy (Board): Rich Miller, RPh, *Presiding*; Shawn Wilt, RPh, Vice President; Trina Buettner, RPh; Jason George, RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jeff Huston, RPh; and Jennifer Rudell, RPh.

Keith Wire was represented by Sydney N. Pahren and Daniel S. Zinsmaster. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCEState's Witnesses:

1. None

Respondent's Witnesses:

1. Keith Wire
2. Kelly Long

State's Exhibits:

1. Notice Letter
2. Board Order – November 6, 2020
3. Indictment
4. Fairfield County Docket

Respondent's Exhibits:

- A. Resume
- B. Board Order – November 6, 2020
- C. Shepard Hill – Dr. Highberger Letter
- D. Shepard Hill Aftercare – Continuing Care Contract
- E. OPHP Monitoring Agreement – November 24, 2020
- F. OPHP Letter of Compliance – November 23, 2021
- G. CPE Analysis Report
- H. 12 Step Meeting Logs
- I. Toxicology Testing Logs

FINDINGS OF FACT & DECISION OF THE BOARD

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the Board finds that Keith Wire has substantially complied with the terms set forth in the Board Order of the State of Ohio Board of Pharmacy, Case No. A-2020-0299 dated November 6, 2020.

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby approves the reinstatement of the pharmacist license no. 03-217369, held by Keith Wire 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:

1. Keith Wire must enter into and adhere to the terms of a **new** contract, signed within thirty days after the effective date of this Order, with a Board approved treatment monitor for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Keith Wire should also submit to the Board documentation demonstrating compliance with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider, if applicable. Failure to adhere to the terms of the treatment contract and/or monitoring contract will be considered a violation of the Board's Order and subject Keith Wire to potential sanctions up to and including revocation of license. The monitoring contract must provide that:
  - a. Random, **observed** urine drug screens shall be conducted at least once each month.
  - b. 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.
  - c. Alcohol and Ethyl Glucuronide (ETG) must be added to the standard urine drug screen.
  - d. 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.
  - e. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the Keith

Wire in a timeframe consistent with the drug lab's recommended policy, but in any event no later than 12 days after the negative diluted screen.

- f. Keith Wire must meet the daily check-in requirements of the testing center or check-in requirements as otherwise proscribed by the treatment monitor.
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.
  - c. 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.
  - d. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
3. Keith Wire 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 Order and request Keith Wire reappear before the Board for possible additional sanctions, including and up to revocation of license.
4. Keith Wire 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 Order and request Keith Wire reappear before the Board for possible additional sanctions, including and up to revocation of license.
5. Keith Wire, if due to a felony conviction relating to a controlled substance AND/OR because of his application for drug enforcement administration registration being denied, revoked or surrendered for

cause, may not be employed by a terminal distributor of dangerous drugs, unless a waiver has been obtained by a licensee pursuant to 21 C.F.R. 1307.03.

6. Keith Wire's license shall remain on probation until such time as compliance with all terms and conditions from his criminal case, *State of Ohio v. Keith Michael Wire*, 21 CR 419, Fairfield County Common Pleas Court, have been successfully completed.
7. Keith Wire 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:
  - a. The written report and documentation provided by the treatment program pursuant to the contract, and
  - b. A written description of Keith Wire's progress towards recovery and what Keith Wire has been doing during the previous three months, and
  - c. Proof of compliance with all terms of probation, the monitoring contract, including all terms in OAC Rule 4729:4-1-04, and proof of compliance with treatment, if applicable.
8. Keith Wire must provide copies of the board order or settlement agreement to all employers or prospective employers, all licensing authorities in which Keith Wire holds a professional license or applies for a professional license, and all persons who provide Keith Wire chemical dependency treatment or monitoring, during the effective period of this order or agreement.
9. Other terms of probation are as follows:
  - a. Keith Wire must meet at least annually with the Board's Probation Committee, the first meeting to be held Monday, December 5, 2022. Additional periodic appearances may be requested.

- b. The State of Ohio Board of Pharmacy hereby declares that Keith Wire's pharmacist license is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraphs (K) and (O) of Rule 4729:2-1-01 of the OAC.
- c. Keith Wire must obtain prior approval of the board or the board's probation committee of departures or absences in excess of ten days from the country. Periods of departure or absence shall not change the probationary term, unless otherwise determined by motion of the board or the board's probation committee. For absences of three months or longer, the board or its probation committee may toll the length of probation, other than in instances where the board or its probation committee can be assured that probationary monitoring is otherwise being performed.
- d. Keith Wire may not serve as a responsible pharmacist or a designated representative in a dispensary or for home medical equipment.
- e. Keith Wire may not engage in a consult agreement, unless approved by the board.
- f. Keith Wire may not destroy, assist in, or witness the destruction of controlled substances.
- g. Keith Wire may not work in a pharmacy more than 40 hours per week or 80 hours over a two week period.
- h. Keith Wire must not violate the drug laws of Ohio, any other state, or the federal government.
- i. Keith Wire must abide by the rules of the State of Ohio Board of Pharmacy.
- j. Keith Wire must comply with the terms of this Order.
- k. Keith Wire's license is deemed not in good standing until successful completion of the probationary period.

- I. Keith Wire must provide continuing authorization for disclosure by the monitor and treatment provider (when applicable) to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for those individuals to fulfill their duties.
10. When deemed appropriate by the Board, Keith Wire must submit to a psychiatric evaluation, and, where appropriate, continued treatment acceptable to the Board.
11. Keith Wire may not request modifications to probationary terms for at least three years, however, limited, isolated deviations may be granted with approval by the Board, in exceptional circumstances.
12. Keith Wire must immediately report any violation of the terms of this probation to the Board by contacting [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov). Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject Keith Wire to possible additional sanctions, including and up to revocation of license.
13. Any violation of probation or this Board's Order may result in a Board hearing to consider alternative or additional sanctions under Section 4729.16 of the Ohio Revised Code, including and up to revocation of Keith Wire's license.
14. Periods during which Keith Wire is not in compliance with all probationary terms shall toll the length of time of probation, or the Board may implement additional disciplinary action in addition to or instead of tolling probation.

At the conclusion of the probationary period, the Board will issue a letter indicating whether probation has been successfully completed. If the Board determines probation has not been successfully completed, it will issue a notice of opportunity for hearing to Keith Wire.

Jennifer Rudell moved for Findings of Fact; Victor Goodman seconded the motion. Motion passed (Aye-7/Nay-0).

Jennifer Rudell moved for the Decision of the Board; Victor Goodman seconded the motion. Motion passed (Aye-7/Nay-0).

SO ORDERED.

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- 12:15 p.m.** Ms. Southard provided the Licensing Report.
- 12:20 p.m.** Ms. Southard presented a Pharmacy Technician Trainee Extension Request from Bhumika Patel – Middleburg Heights, OH (09106372) to the Board for consideration.
- R-2022-0282** Mr. Huston moved that the Board grant Bhumika Patel a one-year extension. The motion was seconded Ms. Rudell and approved by the Board: Yes-7, No-0.
- 12:39 p.m.** Ms. Southard presented a Pharmacy Technician Trainee Extension Request from Maliya Curington – Englewood, OH (09107595) to the Board for consideration.
- R-2022-0283** Mr. Wilt moved that the Board grant Maliya Curington an extension until September 30, 2022. The motion was seconded Mr. Huston and approved by the Board: Yes-7, No-0.
- 12:42 p.m.** Ms. Southard presented a OBOT Non-Physician Owner/Operator Waiver Request from CleanSlate Medical Group of Ohio, LLC – Dayton, OH (APP-000478377) to the Board for consideration.
- R-2022-0284** Ms. Rudell moved that the Board grant CleanSlate Medical Group of Ohio, LLC’s Waiver Request. The motion was seconded Mr. Grimm and approved by the Board: Yes-7, No-0.
- 12:44 p.m.** Ms. Southard presented a OBOT Non-Physician Owner/Operator Waiver Request from CleanSlate Medical Group of Ohio, LLC – Whitehall, OH (APP-000480219) to the Board for consideration.
- R-2022-0285** Ms. Rudell moved that the Board grant CleanSlate Medical Group of Ohio, LLC’s Waiver Request. The motion was seconded Mr. Grimm and approved by the Board: Yes-7, No-0.

**12:45 p.m.**

Ms. Southern presented a resolution titled, *Registered Pharmacy Technician Continuing Education Requirements for The 2022 Renewal Period*, to the Board for consideration.

**R-2022-0286**

Ms. Rudell moved that the Board approve the resolution. The motion was seconded by Mr. Grimm and approved by the Board: Yes-7, No-0. The following resolution was adopted by the Board:

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#### **Registered Pharmacy Technician Continuing Education Requirements for the 2022 Renewal Period**

To address overlapping time periods for HB 197 and HB 404 impacted registered pharmacy technicians, the Board hereby establishes the following continuing education requirements for registered pharmacy technicians renewing during the 2022 renewal period:

All registered pharmacy technicians expiring on March 31, 2022, are required to complete a total of ten contact hours (1.0 CEUs) of continuing pharmacy education between April 1, 2018, and March 31, 2022. Continuing pharmacy education shall be in pharmacy technician-specific subject matter and shall include the following:

- Two contact hours (0.2 CEUs) of continuing pharmacy education in the subject of pharmacy jurisprudence (law); and
- Two contact hours (0.2 CEUs) of continuing pharmacy education in the subject of patient safety or medication errors.

A registered pharmacy technician may apply continuing education earned for the purpose of the 2020/2021 renewal period to the 2022 renewal period. This resolution supersedes the continuing education requirements in rule 4729:5-2-03 of the Administrative Code for the 2022 renewal cycle only.

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**12:48 p.m.**

Ms. Southern presented a resolution titled, *Non-Resident Compounding Pharmacy and Outsourcing Facility Applicant Responsible Person Requirements*, to the Board for consideration.

**R-2022-0287**

Mr. Wilt moved that the Board approve the resolution. The motion was seconded by Mr. Goodman and approved by the Board: Yes-7, No-0. The following resolution was adopted by the Board:

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**Non-Resident Compounding Pharmacy and Outsourcing Facility  
Applicant Responsible Person Requirements**

The Board hereby determines the responsible pharmacist listed on a license application for a non-resident compounding pharmacy or outsourcing facility to be compliant with rules 4729:5-8-04 and 4729:6-2-01 of the Administrative Code, respectively, if the pharmacist has submitted an application for pharmacist licensure to the State of Ohio Board of Pharmacy and, if appropriate, a license transfer application to the National Association of Boards of Pharmacy.

This resolution is in effect until June 1, 2022. After June 1, 2022, proposed responsible pharmacists will be required to hold an Ohio pharmacist license in Active status prior to the issuance of the terminal distributor or outsourcing facility license.

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**12:51 p.m.**

The Board recessed for lunch.

**1:32 p.m.**

The Board returned to public session and Mr. Corlett provided the Audit results to the Board, indicating there were no findings or areas of correction noted.

**1:33 p.m.**

Mr. Garner provided the OARRS Report.

**1:37 p.m.**

Mr. Griffin provided the Compliance and Enforcement Report.

**1:40 p.m.**

Mr. Schierholt provided the Executive Director Report.

**1:43 p.m.**

Mr. Wilt and Ms. Dehner proposed to allow Steven Hogel, RPh—Cincinnati, Ohio (03-129762) to enter into a Settlement Agreement for a non-permanent surrender of his pharmacist license, following the violation of his Board Order, with the Probation Committee's recommendation to approve.

- R-2022-0288** Mr. Wilt moved that the Board grant a non-permanent surrender Settlement Agreement for Steven Hogel, RPh—Cincinnati, Ohio (03-129762). The motion was seconded by Ms. Buettner and approved by the Board: Yes-6, No-0, Recuse-1 (Ms. Rudell).
- 1:48 p.m.** Mr. Schierholt provided an overview of the card presented by field staff to addicted/abusing licensees/registrants, describing potential resources for those in need.
- 1:49 p.m.** The Board recessed briefly.
- 2:00 p.m.** The Board heard CVS's Presentation on Positive Identification—presented by Ralph Breitfeller, JD, John Long, RPh, MBA, and Alison McDermott, RPh. Ms. Rudell recused from the discussion.
- R-2022-0289** Mr. Wilt moved that the system currently in use by CVS does not meet secure means of personal identification and puts citizens of Ohio at risk, and that the Board give CVS six months to work with the Board to resolve issues and bring the system into compliance with Ohio's positive ID rules, to protect the public. The motion was seconded by Mr. Grimm and approved by the Board: Yes-6, No-0, Recuse-1 (Ms. Rudell).
- 3:14 p.m.** Mr. McNamee and Mr. Edwards led a presentation titled *Gabapentin: Examining Its Abuse Potential and Emerging Trends in Ohio*, before opening the floor for questions.
- R-2022-0290** Mr. Wilt moved to approve an amendment of OAC 4729:5-5-08—to require pharmacists to review OARRS for gabapentin prescriptions—for filing for stakeholder comments. The motion was seconded by Mr. Goodman and approved by the Board: Yes-7, No-0.
- 3:57 p.m.** Mr. McNamee presented the following rule to the Board for approval: *OAC 4729:5-9 – Institutional Pharmacies and Facilities*.
- R-2022-0291** Mr. Huston moved to approve *OAC 4729:5-9 – Institutional Pharmacies and Facilities* for filing with JCARR. The motion was seconded by Mr. Grimm and approved by the Board: Yes-7, No-0.

**3:59 p.m.**

Mr. McNamee presented a resolution titled, *Extension of Positive Identification Requirements for Outpatient Pharmacies*, to the Board for consideration.

**R-2022-0292**

Mr. Wilt moved that the Board approve the resolution. The motion was seconded by Ms. Buettner and approved by the Board: Yes-7, No-0. The following resolution was adopted by the Board:

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**Extension of Positive Identification Requirements for  
Outpatient Pharmacies\***

To address reported technological delays, the State of Ohio Board of Pharmacy hereby extends the positive identification requirements in paragraph (A)(1) or rule 4729:5-5-04 to June 30, 2022.

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**4:01 p.m.**

Mr. McNamee presented a resolution titled, *Recognition of Additional Institutional Facilities Pursuant to OAC 4729:5-9-01*, to the Board for consideration.

**R-2022-0293**

Ms. Buettner moved that the Board approve the resolution. The motion was seconded by Mr. Huston and approved by the Board: Yes-7, No-0. The following resolution was adopted by the Board:

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**Recognition of Additional Institutional Facilities Pursuant to  
OAC 4729:5-9-01**

In accordance with paragraph (A) of rule 4729:5-9-01 of the Administrative Code (effective 2/1/22), the State of Ohio Board of Pharmacy recognizes the following as institutional facilities for purposes of regulation under division 4729:5-9 of the Administrative Code:

- A facility providing services under contract with the department of developmental disabilities under section 5123.18 of the Revised Code.

- A facility providing inpatient hospice care operated by a hospice care program licensed under section 3712.04 of the Revised Code.
  - A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code.
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**4:04 p.m.**

The Board recessed for the day.

**Tuesday, December 7, 2021**

**9:00 a.m.** The State of Ohio Board of Pharmacy convened in the Hearing Room, 17th Floor, of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio, for a public meeting, which was also broadcast via Microsoft Teams audio/visual conference call, with the following members present:

Rich Miller, RPh, *President*; Shawn C. Wilt, RPh, *Vice President*; Trina L. Buettner, RPh; Jason George, RPh; Victor Goodman, *Public Member*; TJ Grimm, RPh; Jeff Huston, RPh, and Jennifer Rudell, RPh.

Also present were Steven Schierholt, *Executive Director*; Nicole Dehner, *Chief Legal Counsel*; Michelle Bohan, *Associate Legal Counsel*; Ashley Gilbert, *Senior Legal Counsel*; Joseph Koltak, *Senior Legal Counsel*; Kathryn Lewis, *Legal Administrative Assistant*.

**9:01 a.m.** The Board was joined by Assistant Attorney General James Wakley to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **Reasonable Choices, Springfield, Ohio.**

**R-2022-0294** Mr. Wilt 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 Ms. Rudell and a roll-call vote was conducted by President Miller as follows: Wilt-yes; Buettner-yes; George-yes; Goodman-yes; Grimm-yes; Huston-yes; and Rudell-yes.

**9:28 a.m.** The deliberation ended and the hearing was opened to the public.

**R-2022-0295**

After votes were taken in public session, the Board adopted the following order in the Matter of **Reasonable Choices, Springfield, Ohio.**

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**ORDER OF THE STATE BOARD OF PHARMACY**

(Case Number A-2020-0046)

In The Matter Of:

**Reasonable Choices, Inc.**

c/o Brenda Griffith

4867 Urbana Road

Springfield, Ohio 45502

(DENIED Application No. App-000291719)

**INTRODUCTION**

On April 12, 2021, the State of Ohio Board of Pharmacy (Board) issued a Notice of Opportunity for Hearing (Notice) to Reasonable Choices, Inc. (Respondent) via certified mail, return receipt requested to Respondent's address of record. Pursuant to Ohio Revised Code Section 119.07, Respondent had a right to a hearing if requested within thirty days of the mailing. Respondent failed to request a hearing by the thirtieth and final day. Accordingly, as no hearing was requested, the matter came before the Board under the authority of *Goldman v. State Med. Bd. of Ohio*, 110 Ohio App.3d 124, 129 (10th Dist.1996) on December 7, 2021, before the following members: Rich Miller, RPh, *Presiding*; Shawn Wilt, RPh, *Vice President*; Trina Buettner, RPh; Jason George, RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jeff Huston, RPh; and Jennifer Rudell, RPh.

Respondent was not present. The State of Ohio was represented by James Wakley, Assistant Attorney General.

SUMMARY OF EVIDENCEState's Witnesses:

1. Teresa Meyer, Agent of the Board

Respondent's Witnesses:

1. N/A

State's Exhibits:

1. Notice Letter
2. Criminal Information
3. Guilty Plea
4. Conviction and Sentencing
5. Application for TDDD
6. Alkehemes Spreadsheet
7. Avella Spreadsheet
8. Briova Spreadsheet

Respondent's Exhibits:

- A. N/A

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the Board finds the following to be fact:

1. On or about August 26, 2019, Brenda Griffith submitted an Opioid Treatment Program TDDD license application for Reasonable Choices Inc., located at 4867 Urbana Road, Springfield, Ohio. Brenda Griffith answered "No" to the questions inquiring whether the applicant has charges pending or has been convicted of various charges under federal or state law. Subsequent to submission of the application, Brenda Griffith engaged in the following criminal conduct:

- a. On or about June 8, 2020, Brenda Griffith pleaded guilty to one count of conspiracy to unlawful distribution of controlled substances, in violation of 21 U.S.C. Sections 846(a)(1) and (b)(1)(C) and one count of health care fraud, in violation of 18 U.S.C. Section 1347, in the United States District Court, Southern District of Ohio, Eastern Division. Brenda Griffith was sentenced to 24-months imprisonment on each count, to run concurrently, restitution in the amount of \$205,430.56 to be paid to the Ohio Department of Medicaid, and three-years supervised probation upon release from prison. *United States vs. Brenda Griffith*, Case No. 2:20-CR-00091.
  - b. The criminal convictions were a result of Brenda Griffith's operation for Reasonable Choices, Inc., an entity operating as an unlicensed Ohio-based opioid treatment facility (OBOT). Reasonable Choices billed or caused the submission of bills to Medicaid and MCOs for counseling services not rendered and for office visits, while also accepting cash payments for the same office visits. Further, Reasonable Choices, Inc. billed or caused submission of bills for individual counseling sessions when those sessions were provided in a group setting, resulting in higher payment. From on or about November 15, 2012, through on or about December 31, 2016, Brenda Griffith, through Reasonable Choices, caused the submission of \$205,430.56 in fraudulent claims to Ohio Medicaid.
2. On or about August 19, 2019, an agent from the Board spoke with Brenda Griffith, the owner and operator of Reasonable Choices, regarding an OBOT TDDD application she recently submitted to the Board (and later withdrew). Ms. Griffith advised she had obtained her Ohio Mental Health and Addiction Services (OHIO MHAS) certification in March 2018. Ms. Griffith said Reasonable Choices Inc. was currently dispensing medications, specifically, Vivitrol and Sublocade. Records showed Reasonable Choices purchased the following dangerous drugs, including controlled substances, without obtaining or maintaining a Terminal Distributor of Dangerous Drugs license with the Board:
    - a. Purchased from Alkermes Inc.:
      - i. 4 Vivitrol 380 mg vial 01/20/2019

- b. Purchased from BrivoaRx:
  - i. 1 Sublocade ER 300 mg/1.5 ml Pfs Inj 05/19/2019
  - ii. 1 Sublocade ER 300 mg/1.5 ml Pfs Inj 06/09/2019
  - iii. 1 Sublocade ER 300 mg/1.5 ml Pfs Inj 06/09/2019
  - iv. 1 Sublocade ER 300 mg/1.5 ml Pfs Inj 06/13/2019
  - v. 1 Sublocade ER 300 mg/1.5 ml Pfs Inj 07/7/2019
  - vi. 1 Sublocade ER 300 mg/1.5 ml Pfs Inj 07/7/2019
  - vii. 1 Sublocade ER 300 mg/1.5 ml Pfs Inj 07/11/2019
  - viii. 1 Sublocade ER 300 mg/1.5 ml Pfs Inj 07/30/2019
  - ix. 1 Sublocade ER 300 mg/1.5 ml Pfs Inj 08/01/2019
  - x. 1 Sublocade ER 300 mg/1.5 ml Pfs Inj 08/08/2019
- c. Purchased from Deer Valley #38:
  - i. 2 Sublocade ER 300 mg/1.5 ml Inj Indl 05/21/2019
  - ii. 2 Sublocade ER 300 mg/1.5 ml Inj Indl 06/20/2019
  - iii. 1 Sublocade ER 300 mg/1.5 ml Inj Indl 07/11/2019
  - iv. 1 Sublocade ER 300 mg/1.5 ml Inj Indl 08/08/2019

#### CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact, each constitutes a violation of Section 4729.51(E)(1)(c) of the ORC, as effective March 22, 2019, December 16, 2020, Except as provided in division (E)(2) of this section, no person shall do any of the following: possess dangerous drugs.
2. Such conduct as set forth in the Findings of Fact, each constitutes a violation of Section 2925.11(A) of the ORC, No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog.
3. Such conduct as set forth in the Findings of Fact, each constitutes a violation of Section 2925.11(A) of the ORC, No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog.
4. Such conduct as set forth in Findings of Fact, constitutes a violation of each of the following divisions of Section 4729.57 of the ORC, effective September 29, 2017:
  - a. Violating any rule of the board, ORC Section 4729.57(B)(2);

- b. Violating any provision of this chapter, ORC Section 4729.57(B)(3);
  - c. Violating any provision of the federal drug abuse control laws or Chapter 2925. or 3719. of the Revised Code, ORC 4729.57(B)(5);
  - d. Ceasing to satisfy the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code, ORC 4729.57(B)(7);
  - e. Conviction of a felony, ORC 4729.57(B)(9); and
  - 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 4729.57(B)(10).
5. Such conduct as set forth in Findings of Fact, constitutes a violation of each of the following divisions of Section 4729.55 of the ORC, TDDD license requirements: If the applicant, or any agent or employee of the applicant, has been found guilty of violating section 4729.51 of the Revised Code, the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, the federal drug abuse control laws, Chapter 2925., 3715., 3719., or 4729. of the Revised Code, or any rule of the board, adequate safeguards are assured to prevent the recurrence of the violation, ORC 4729.55(E).
6. Such conduct as set forth in the Findings of Fact, constitutes a violation of the following sections of Rule 4729:5-4-01 of the OAC, effective March 1, 2019:
- a. Violating any rule of the board, OAC Rule 4729:5-4-01(B)(2);
  - b. Violating any provision of Chapter 4729. of the Revised Code, OAC Rule 4729:5-4-01(B)(3);
  - c. Being the subject of any of the following by the drug enforcement administration or licensing agency of any state or jurisdiction: A disciplinary action that resulted in the suspension or revocation

- of the person's license or registration, OAC Rule 4729:5-4-01(B)(14)(a);
- d. 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)(20);
  - e. 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)(25); and
  - f. Unless otherwise approved by the board, a terminal distributor knowingly employs a person with access to drug stock who:
    - i. Has committed an act that constitutes a felony, regardless of the jurisdiction in which the act was committed, OAC Rule 4729:5-4-01(B)(27)(e);
    - ii. Has been the subject of any of the following by the drug enforcement administration or licensing agency of any state or jurisdiction: A disciplinary action that was based, in whole or in part, on the person's inappropriate prescribing, dispensing, diverting, administering, storing, securing, personally furnishing, compounding, supplying or selling a controlled substance or other dangerous drug, OAC Rule 4729:5-4-01(B)(27)(k)(ii); and
    - iii. Has committed an act that constitutes a misdemeanor that is related to, or committed in, the employee's professional practice, OAC Rule 4729:5-4-01(B)(27)(l).

#### DECISION OF THE BOARD

Pursuant to Section 4729.57 of the Ohio Revised Code and Rule 4729:5-4-01 of the Ohio Administrative Code, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy, based on each of the findings of fact and conclusions of law, hereby permanently denies the Application for Registration as an Opioid Treatment Program Terminal Distributor of Dangerous Drugs submitted by Brenda Griffith on or about August 26, 2019.

Pursuant to Rule 4729:5-1-01(U) of the Ohio Administrative Code, Reasonable Choices, Inc. may never reapply for any license or registration over which the State of Ohio Board of Pharmacy has jurisdiction, including those set forth in Chapters 3719., 3796., 4729. or 4752. of the Revised Code.

Jennifer Rudell moved for Findings of Fact; T.J. Grimm seconded the motion. Motion passed (Yes-7/No-0).

Jennifer Rudell moved for Conclusions of Law; T.J. Grimm seconded the motion. Motion passed (Yes-7/No-0).

Jennifer Rudell moved for Action of the Board; T.J. Grimm seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

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**9:31 a.m.** The Board heard an oral address by both parties in the Matter of—Alyssa Amato represented by Levi Tkach and James Wakley on behalf of the State.

**9:42 a.m.** The Board was joined by Assistant Attorney General James Wakley to conduct an adjudication hearing in accordance with the Ohio Revised Code Chapters 119. and 4729. In the Matter of **Premier Care of Ohio LLC, Columbus, Ohio.**

**R-2022-0296** Mr. Wilt 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 Ms. Rudell and a roll-call vote was conducted by President Miller as follows: Wilt-yes; Buettner-yes; George-yes; Goodman-yes; Grimm-yes; Huston-yes; and Rudell-yes.

**10:48 a.m.** The deliberation ended and the hearing was opened to the public.

**R-2022-0297**

After votes were taken in public session, the Board adopted the following order in the Matter of **Premier Care of Ohio LLC, Columbus, Ohio.**

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**ORDER OF THE STATE BOARD OF PHARMACY**  
(Case Number **A-2019-0248**)

In The Matter Of:

**Premier Care of Ohio LLC,  
dba Community Medical Services – Columbus on Dublin  
c/o Dr. Joanne Poje  
1380 Dublin Rd., Suite 100  
Columbus, OH 43215**

**License no. 02-2324950 (inactive)  
License no. 02-6700011 (active)**

INTRODUCTION

The Matter of Premier Care of Ohio LLC dba Community Medical Services – Columbus on Dublin came for hearing on December 7, 2021, before the following members of the State of Ohio Board of Pharmacy (Board): Rich Miller, RPh, *Presiding*; Shawn Wilt, RPh, *Vice President*; Trina Buettner, RPh; Jason George, RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jeff Huston, RPh; and Jennifer Rudell, RPh.

Respondent was not present. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Paul Schad, Board Compliance Specialist

Respondent's Witnesses:

None

State's Exhibits:

1. Notice Letter
2. Patient Key

3. Inspection Report
4. Response to Inspection Report
5. Statement of Cassidy Long
6. Physician Order
7. Statement of Patient
8. Statement of Patient's Husband
9. Waste Report
10. Secretary of State Report

Respondent's Exhibits:

None

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the Board finds the following to be fact:

1. On or about May 31, 2018, Premier Care of Ohio, LLC dispensed Physician's Medication Order, dated March 12, 2018, for methadone, to patient A.D. The Physician's Medication Order was for 19mg single doses of methadone, however each bottle contained 91mg per single dose. Patient A.D. ingested one Premier Care of Ohio, LLC. A-2019-0248 bottle of the medication and experienced severe drowsiness and vomiting. Patient A.D. stated they did not feel good for a month.
2. On or about January 15, 2019, the Board issued written warnings in relation to the dispensing in Paragraph 1 and the investigation that resulted. On or about February 12, 2019, Premier Care of Ohio, LLC responded to the written warnings issued by the Board. Premier Care of Ohio, LLC's response stated that the error from May 31, 2018, occurred when a nurse manually transcribed the dosage information incorrectly into the dosage preparation system.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of each of the following divisions of section 4729.57 of the ORC, as effective September 29, 2017, a minor misdemeanor:

- 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
2. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of section 3715.52(A) of the ORC, the adulteration or misbranding of any food, drug, device, or cosmetic, a misdemeanor of the fourth degree.
3. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of section 3715.64(A)(10) of the ORC, a drug or device is misbranded within the meaning of sections 3715.01 and 3715.52 to 3715.72 of the Revised Code if it is a drug and its container is so made, formed, or filled as to be misleading.
4. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of Rule 4729- 5-11(C)(6), 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 the section 4729.55 of the Revised Code, security and control of dangerous drugs as required in rule 4729-9-11 of the Administrative Code and maintaining all records relating to the distributing of dangerous drugs.
5. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of Rule 4729- 9-11, security and control of dangerous drugs, a pharmacist, prescriber, and responsible person pursuant to rule 4729-5-11 of the Administrative Code shall provide 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.

DECISION OF THE BOARD

Pursuant to Section 4729.57 of the Ohio Revised Code, the State of Ohio Board of Pharmacy imposes a monetary fine in the amount of \$1,000, with \$500 stayed upon the condition that there are no further violations for one (1) year from the date of this Order. This fine will be attached to your license record and must be paid no later than 90 days from the effective date of this Order. To pay this fine you must login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in your cart.

The Board issues a written reprimand to Premier Care of Ohio, LLC dba Community Medical Services – Columbus on Dublin.

Further, the Board hereby grants the State’s Motion to Seal the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically State’s exhibits: 2, 6, 7, and 8.

**Jeff Huston** moved for Findings of Fact; **Shawn Wilt** seconded the motion. Motion passed (Yes-7/No-0).

**Jeff Huston** moved for Conclusions of Law; **Shawn Wilt** seconded the motion. Motion passed (Yes-7/No- 0).

**Jeff Huston** moved for Action of the Board; **Shawn Wilt** seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

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**R-2022-0298**

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After votes were taken in public session, the Board adopted the following order in the Matter of **Alyssa Amato, Batavia, Ohio.**

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**ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**  
**CONFIRMING AND APPROVING**  
**REPORT & RECOMMENDATION OF HEARING EXAMINER**  
(Case Number A-2021-0226)

IN THE MATTER OF:  
Alyssa Amato  
1247 Autumnview Drive  
Batavia, OH 45103  
(Certified Pharmacy Technician License 09-39680)

**INTRODUCTION**

*In the Matter of: Alyssa Amato* came for hearing before Hearing Examiner Ronda Shamansky on August 30, 2021, and for consideration by the State of Ohio Board of Pharmacy (Board) on December 7, 2021, before the following members of the State of Ohio Board of Pharmacy (Board): Rich Miller, RPh, *Presiding*; Shawn Wilt, RPh; Jennifer Rudell, RPh; TJ Grimm, RPh; Jason George, RPh; Victor Goodman, *Public Member*; Jeff Huston, RPh; and Trina Buettner, RPh. Respondent was represented by attorney Levi Tkach, Esq. The State of Ohio was represented by Principal Assistant Attorney General James T. Wakley, Esq. Further, the Board heard an oral address by the parties on December 7, 2021.

**BOARD REVIEW OF THE RECORD**

Prior to making its decision, the Board reviewed the entire administrative record in this matter, consisting of the following items:

- 1) Notice of Opportunity/Proposal to Take Disciplinary Action
- 2) Request for Hearing
- 3) Acknowledgment of Hearing Request
- 4) Acknowledgment of Hearing Request Proof of Service
- 5) Hearing Examiner Appointment Letter in Case No. A-2021-0226
- 6) Journal Entry Setting Hearing, Dated July 22, 2021
- 7) Hearing Transcript
- 8) The following State of Ohio Exhibits admitted by the Hearing Examiner:

Exhibit 01a: Notice Letter (Pharmacy Technician License Case No. A-2021-0226)  
Exhibit 01b: Notice Letter (Pharmacy Intern License – Case No. A-2021-0101)  
Exhibit 02: Request for Hearing  
Exhibit 03: Initial Scheduling Order  
Exhibit 04: Current Scheduling Order  
Exhibit 05: Application for Reactivation of Pharmacy Technician License  
Exhibit 06: Accident Report  
Exhibit 07: Police Report  
Exhibit 08: OMVI Court Records  
Exhibit 09: Docket From Clermont County Municipal Court  
Exhibit 10: Email regarding DIP  
Exhibit 11: Email from Marshall University #1  
Exhibit 12: E-mail from Marshall University #2  
Exhibit 13: University of Cincinnati Records  
Exhibit 14: West Virginia License Status  
Exhibit 15: Statement of Respondent  
Exhibit 16: E-mail from Respondent  
Exhibit 17: Resolution Regarding Interns

9) The following Respondent Exhibits admitted by the Hearing Examiner:

Exhibit A: Resume of Alyssa Louse Amato  
Exhibit B: DIP Completion Report  
Exhibit C: Employee Recognition Awards  
Exhibit D: Personal Statement to Board

10) Report and Recommendation, dated September 23, 2021  
11) Report and Recommendation Cover Letter  
12) Report and Recommendation Proof of Service  
13) Objections to the Report and Recommendation and Request to Address the Board, dated October 1, 2021  
14) State's Response to Objections, dated October 22, 2021  
15) Respondent's Oral Address to the Board made December 7, 2021

DECISION OF THE BOARD

After thorough review of the administrative record, the Board hereby confirms and approves in its entirety Hearing Examiner Shamansky's Findings of Fact as detailed in the Report and Recommendation. The Board hereby confirms and approves in its entirety Hearing Examiner Shamansky's Conclusions of Law as detailed in the Report and Recommendation and modifies the Report and Recommendation to amend the Report and Recommendation and the corresponding Notice letter with the correct code reference. The content of the code being accurate, however it is referenced as 4729:2-4-01(B) in the Notice letter at violation of law 5d and in the Report and Recommendation as Finding of Fact 10. The actual reference for the record should be ORC 4729.96(A)(2)(d).

After thorough review of the administrative record, the Board confirms and approves the Hearing Examiner's recommendation to reinstate the technician license with a reprimand, upon confirmation all licensing processes and paperwork have been completed; but modifies the recommendation to require the imposition of a \$25.00 fine, which must be paid prior to reinstatement.

Mr. Wilt moved to confirm and approve the Report and Recommendation of Hearing Examiner Shamansky as described herein; Ms. Rudell seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

**R-2022-0299**

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After votes were taken in public session, the Board adopted the following order in the Matter of **Alyssa Amato, Batavia, Ohio.**

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**ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

(Case Number A-2021-0101)

IN THE MATTER OF:

Alyssa Amato  
1247 Autumnview Drive  
Batavia, OH 45103  
(Intern License 060001586)

**INTRODUCTION**

*In the Matter of: Alyssa Amato, A-2021-0101* (intern registration), came for consideration by the State of Ohio Board of Pharmacy (Board) on December 7, 2021 before the following members of the State of Ohio Board of Pharmacy (Board): Rich Miller, RPh, *Presiding*; Shawn Wilt, RPh; Jennifer Rudell, RPh; T.J. Grimm, RPh; Jason George, RPh; Victor Goodman, *Public Member*; Jeff Huston, RPh; and Trina Buettner, RPh.

*In the Matter of Alyssa Amato, A-2021-0226* (certified technician registration) was also considered by the Board on this date, for which Respondent was represented by attorney Levi Tkach, Esq. The State of Ohio was represented by Principal Assistant Attorney General James T. Wakley, Esq. Further, the Board heard an oral address by the parties as to the certified technician license on December 7, 2021.

**BOARD REVIEW OF THE RECORD**

Prior to making its decision, the Board reviewed the entire administrative record in this matter, consisting of the following items:

- 16) Notice of Opportunity/Proposal to Take Disciplinary Action, dated April 27, 2021
- 17) Proof of Service dated May 11, 2021

As well as the following items that were presented related to Ms. Amato's certified technician registration Matter:

- 18) Request for Hearing
- 19) Acknowledgment of Hearing Request
- 20) Acknowledgment of Hearing Request Proof of Service
- 21) Hearing Examiner Appointment Letter in Case No. A-2021-0226

- 22) Journal Entry Setting Hearing, Dated July 22, 2021
- 23) Hearing Transcript
- 24) The following State of Ohio Exhibits admitted by the Hearing Examiner:
  - Exhibit 01a: Notice Letter (Pharmacy Technician License Case No. A-2021-0226)
  - Exhibit 01b: Notice Letter (Pharmacy Intern License – Case No. A-2021-0101)
  - Exhibit 02: Request for Hearing
  - Exhibit 03: Initial Scheduling Order
  - Exhibit 04: Current Scheduling Order
  - Exhibit 05: Application for Reactivation of Pharmacy Technician License
  - Exhibit 06: Accident Report
  - Exhibit 07: Police Report
  - Exhibit 08: OMVI Court Records
  - Exhibit 09: Docket From Clermont County Municipal Court
  - Exhibit 10: Email regarding DIP
  - Exhibit 11: Email from Marshall University #1
  - Exhibit 12: E-mail from Marshall University #2
  - Exhibit 13: University of Cincinnati Records
  - Exhibit 14: West Virginia License Status
  - Exhibit 15: Statement of Respondent
  - Exhibit 16: E-mail from Respondent
  - Exhibit 17: Resolution Regarding Interns
- 25) The following Respondent Exhibits admitted by the Hearing Examiner:
  - Exhibit A: Resume of Alyssa Louse Amato
  - Exhibit B: DIP Completion Report
  - Exhibit C: Employee Recognition Awards
  - Exhibit D: Personal Statement to Board
- 26) Report and Recommendation, dated September 23, 2021
- 27) Report and Recommendation Cover Letter
- 28) Report and Recommendation Proof of Service
- 29) Objections to the Report and Recommendation and Request to Address the Board, dated October 1, 2021
- 30) State's Response to Objections, dated October 22, 2021

31) Respondent's Oral Address to the Board made December 7, 2021

DECISION OF THE BOARD

After thorough review of the administrative record, the Board hereby adopts the as its Findings of Fact, Allegations one through three inclusive as set forth in the Notice of Opportunity for Hearing dated April 27, 2021 as well as the Violations of Law one through five inclusive. The Board finds that based on the fact that Ms. Amato is not enrolled in pharmacy school, Ms. Amato does not qualify for an intern license. The Board concludes if Ms. Amato re-enrolls in a pharmacy school, she may reapply for an intern license no sooner than six months from the date of the Order.

Mr. Wilt moved for Findings of Fact, Conclusions of Law, and Decision of the Board as set forth herein; Ms. Rudell seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

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**10:54 a.m.**

Ms. Maerten-Moore provided the Medical Marijuana Program Update.

**10:56 a.m.**

Ms. Maerten-Moore presented the following rules to the Board for approval: *OAC 3796:6-2-07 Licensing of Medical Marijuana Dispensary Associated Key Employees and Dispensary Key Employees, OAC 3796:6-2-08 Licensing of Medical Marijuana Dispensary Support Employees, OAC 3796:8-1-01 Definitions, OAC 3796: 8-2-03 Forms and Form Variations Considered Attractive to Children, OAC 3796:8-2-04 Quantity of Medical Marijuana that may be Purchased by a Patient or Caregiver, OAC 3796:8-2-06 Portions, Dosing, and Units of Medical Marijuana Sold at a Dispensary, OAC 3796:7-2-01 Procedure for Patient Registration, and OAC 3796:7-2-04 Purchase of Medical Marijuana.*

**R-2022-0300**

Ms. Rudell moved to approve *OAC 3796:6-2-07 Licensing of Medical Marijuana Dispensary Associated Key Employees and Dispensary Key Employees, OAC 3796:6-2-08 Licensing of Medical Marijuana Dispensary Support Employees, OAC 3796:8-1-01 Definitions, OAC*

3796: 8-2-03 Forms and Form Variations Considered Attractive to Children, OAC 3796:8-2-04 Quantity of Medical Marijuana that may be Purchased by a Patient or Caregiver, OAC 3796:8-2-06 Portions, Dosing, and Units of Medical Marijuana Sold at a Dispensary, OAC 3796:7-2-01 Procedure for Patient Registration, and OAC 3796:7-2-04 Purchase of Medical Marijuana for filing with JCARR. The motion was seconded by Mr. Grimm and approved by the Board: Yes-7, No-0.

**11:01 a.m.**

Ms. Maerten-Moore presented a resolution titled, *Elimination of Tier System and 90-day Supply of Plant Material*, to the Board for consideration.

**R-2022-0301**

Mr. Wilt moved that the Board approve the resolution. The motion was seconded by Ms. Rudell and approved by the Board: Yes-7, No-0. The following resolution was adopted by the Board:

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**Elimination of Tier System and 90-Day Supply of Plant Material**

Notwithstanding the provisions in rule 3796:8-2-04 of the Administrative Code, the State of Ohio Board of Pharmacy hereby eliminates the tier system and establishes the 90-day supply of plant material as 9 ounces, regardless of THC percentage.

This change shall go into effect as of January 3, 2022. This resolution shall remain in effect until proposed amendments to rule 3796:8-2-04 of the Administrative Code incorporating this change are finalized.

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**11:05 a.m.**

Mr. Wilt 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 pursuant to Section 121.22(G)(1), (3) & (5) of the Ohio Revised. The motion was seconded by Ms. Rudell and a roll-call vote was conducted President Miller as follows: Wilt-yes; Buettner-yes; George-yes; Goodman-yes; Grimm-yes; Huston-yes; and Rudell-yes.

**1:21 p.m.**

The Board returned to public session, and Mr. Schierholt presented a resolution titled, *NABP Resolution*, to the Board for consideration.

**R-2022-0302**

Mr. Huston moved that the Board approve the resolution language and to provide it to NABP. The motion was seconded by Mr. Wilt and approved by the Board: Yes-7, No-0. The following resolution was adopted by the Board:

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The State of Ohio Board of Pharmacy (OH BOP) requires candidates seeking initial licensure in Ohio to successfully pass the Ohio Multistate Pharmacy Jurisprudence Examination (MPJE). A licensed pharmacist reciprocating into Ohio is not required to take the MPJE but is required to complete an Ohio-specific law class. This course is offered monthly and focuses on important topics vital to practice in Ohio. The course is currently offered virtually.

The Board contends the resources needed for MPJE item writing and review are a drain on board staff and, with the similarities of states' MPJE exams and the ever-evolving changes to pharmacy law at the state and federal level, the OH BOP is requesting that NABP develop a national standardized pharmacy jurisprudence examination for the assessment of federal and state jurisprudence competence for all candidates. States may supplement education by other means if necessary.

As the administrator of the MPJE examination, NABP has the unique ability to review state and federal laws to develop a standardized pharmacy law examination. This can address the need for a national standardized pharmacy law examination for states that do not require the MPJE to assess pharmacist candidates' knowledge of federal and state pharmacy laws. Additionally, a national test may be beneficial to schools of pharmacy so they can obtain feedback on areas they need to specifically address in their curricula.

NABP should develop a national standardized pharmacy jurisprudence examination to promote improved compliance with federal law, provide consistency in examination questions, and alleviate the administrative burden on states who are seeking an alternative to the MPJE.

**WHEREAS**, not every state board of pharmacy requires pharmacist candidates to take the MPJE for licensure; and

**WHEREAS**, MPJE item writing and review activities require significant board of pharmacy staff resources; and

**WHEREAS**, many state-specific laws are similar, if not identical; and

**WHEREAS**, knowledge of federal law is important to the practice of pharmacy and protection of the public; and

**WHEREAS**, it may be burdensome for applicants to acquire reciprocal licensure across state lines; and

**WHEREAS**, there is a need to assess competency on federal and state pharmacy laws;

**THEREFORE BE IT RESOLVED** that NABP examine the development of a national standardized pharmacy jurisprudence examination for the state boards of pharmacy to assess competence for licensure.

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**R-2022-0303**

After votes were taken in public session, the Board adopted the following order in the Matter of **Lisa Holland, Findlay, Ohio.**

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**ORDER OF THE STATE BOARD OF PHARMACY**

**CONFIRMING AND APPROVING IN PART & MODIFYING IN PART  
REPORT & RECOMMENDATION OF HEARING EXAMINER**

(Case Number A-2021-0205)

In The Matter Of Lisa Holland:

**Lisa Holland, Pharmacy Technician Trainee Applicant.**

127 George Street  
Findlay, Ohio 45840

(Denied Application No. APP-000429297)

### INTRODUCTION

A Proposal to Deny/Notice of Opportunity for Hearing (Notice) was issued by the Board on July 20, 2021. The Matter of Lisa Holland came for hearing before Hearing Examiner Robert Angell on September 22, 2021 at which time Lisa Holland was present, and was not represented by counsel. The State of Ohio was represented by Henry Appel, Assistant Attorney General. The Hearing Examiner's Report and Recommendation was served upon the Respondent on or about October 22, 2021. Respondent filed written objections to the Report and Recommendation with the Board on November 1, 2021. The matter subsequently came for consideration by the Board on December 7, 2021, before the following members of the State of Ohio Board of Pharmacy (Board): Rich Miller, *Presiding*; Shawn Wilt, RPh, *Vice-President*; Trina Buettner, RPh; Jason George, RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jennifer Rudell, RPh; and Jeff Huston, RPh.

### BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items: State's Exhibits numbered (1) through (9), Respondent's Exhibits labeled (A) through (Q), the hearing transcript, and Hearing Examiner Angell's Report and Recommendation.

### DECISION OF THE BOARD

After thorough review of the entire administrative record, the Board hereby adopts Hearing Examiner Angell's Findings of Facts (1) through (8), inclusive, including those that specifically relate to the Board's Notice letter dated July 20, 2021. The Board modifies the Report and Recommendation to include the Allegation (2)(d), in its entirety, as set forth in the Notice of Opportunity for Hearing.

The Board adopts Conclusions of Law (A) through (F), including the Board's violations of law as set forth in the Notice of Hearing dated July 20, 2021, as set forth by Hearing Examiner Angell. The Board modifies the Report and Recommendation to include Violation of Law (1)(c), as set for in the Notice letter:

Respondent violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the ORC, Chapter 2925. or 3719. of the ORC, or any rule adopted by the Board under those provisions, ORC 4729.96(A)(2)(d).

All violations of law are supported based on the evidence in the record. Specifically, Respondent was found guilty by jury of arson and insurance fraud, both felonies of the fourth degree. However, Respondent refused to accept responsibility for her actions at the time of hearing. (R & R at pg. 8.) Further, the Hearing Examiner found "Ms. Holland denied, and continues to deny, any substance abuse problem or financial difficulty at the time of the crimes, although the trial court found evidence of both, including Ms. Holland's own statements. She has consistently denied that she committed the criminal acts, and has consistently refused to offer any statement to explain her actions, instead blaming her conviction on insufficient evidence and a tainted jury pool. The Court of Appeals considered both of her assignments of error and overruled them." (R & R at pg. 9.) Additionally, the Hearing Examiner made a finding that " ...the seriousness of Respondent's conduct would be demeaned, and the public interest would not be served, by any sanction short of denial of Respondent's application." (R & R at pg. 10.)

Pursuant to Section 4729.96 of the Ohio Revised Code and Rule 4729:3-4-01 of the Ohio Administrative Code, and after consideration of the record as a whole, the Board hereby adopts the recommendation of the Hearing Examiner and denies, permanently, the pending pharmacy technician trainee registration application of Lisa Holland, application no. APP-000429297. The Board Orders:

**On the basis of the Findings of Facts (1) through (8), as modified above, and the Hearing Examiner's Conclusion of Law paragraph (A) as set forth above, the State of Ohio Board of Pharmacy hereby denies permanently the pharmacy technician trainee registration application, APP-000429297, of Lisa Holland, effective as of the date of the mailing of this order.**

**On the basis of the Findings of Facts (1) through (8), as modified above, and the Hearing Examiner's Conclusion of**

**Law paragraph (B) as set forth above, the State of Ohio Board of Pharmacy hereby denies permanently the pharmacy technician trainee registration application, APP-000429297, of Lisa Holland, effective as of the date of the mailing of this order.**

**On the basis of the Findings of Facts (1) through (8), as modified above, and the Hearing Examiner's Conclusion of Law paragraph (C) as set forth above, the State of Ohio Board of Pharmacy hereby denies permanently the pharmacy technician trainee registration application, APP-000429297, of Lisa Holland, effective as of the date of the mailing of this order.**

**On the basis of the Findings of Facts (1) through (8), as modified above, and the Hearing Examiner's Conclusion of Law paragraph (D) as set forth above, the State of Ohio Board of Pharmacy hereby denies permanently the pharmacy technician trainee registration application, APP-000429297, of Lisa Holland, effective as of the date of the mailing of this order.**

**On the basis of the Findings of Facts (1) through (8), as modified above, and the Hearing Examiner's Conclusion of Law paragraph (E) as set forth above, the State of Ohio Board of Pharmacy hereby denies permanently the pharmacy technician trainee registration application, APP-000429297, of Lisa Holland, effective as of the date of the mailing of this order.**

**On the basis of the Findings of Facts (1) through (8), as modified above, and the Hearing Examiner's Conclusion of Law paragraph (F) as set forth above, the State of Ohio Board of Pharmacy hereby denies permanently the pharmacy technician trainee registration application, APP-000429297, of Lisa Holland, effective as of the date of the mailing of this order.**

**Conditional approval of Lisa Holland's pharmacy technician trainee registration is revoked, effective as of the date of the mailing of this order. Lisa Holland may not be employed by or**

**work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs.**

Mr. Wilt moved to confirm and approve the Report and Recommendation of Hearing Examiner Angell with the modifications outlined above. Mr. Grimm seconded the motion. Motion passed (Yes - 7/No - 0).

SO ORDERED.

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**R-2022-0304**

After votes were taken in public session, the Board adopted the following order in the Matter of **Michael Hitchcock, Loveland, Ohio.**

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**ORDER OF THE STATE BOARD OF PHARMACY  
CONFIRMING AND APPROVING IN PART & MODIFYING IN PART  
REPORT & RECOMMENDATION OF HEARING EXAMINER**

(Case Number A-2019-0456)

In The Matter Of Michael Hitchcock:

**Michael Hitchcock, Pharmacy Technician Trainee.**

6202 Spires Drive  
Loveland, Ohio 45140  
(Revoked Registration No. 09-108202)

**INTRODUCTION**

A Summary Suspension/Notice of Opportunity for Hearing (Notice) was issued by the Board on October 11, 2019. The Matter of Michael Hitchcock came for hearing before Hearing Examiner Kristin Rosan on September 28, 2021 at which time Michael Hitchcock was present, and was not represented by counsel. The State of Ohio was represented by Henry Appel, Assistant Attorney General. The Hearing Examiner's Report and Recommendation was served upon the Respondent on or about November 13, 2021. The matter subsequently came for consideration by the Board on December 7, 2021, before the following

members of the State of Ohio Board of Pharmacy (Board): Rich Miller, *Presiding*; Shawn Wilt, RPh, *Vice-President*; Trina Buettner, RPh; Jason George, RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jennifer Rudell, RPh; and Jeff Huston, RPh.

#### BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items: State's Exhibits numbered (1) through (18), Respondent's Exhibits labeled (A) through (F), the hearing transcript, and Hearing Examiner Rosan's Report and Recommendation.

#### DECISION OF THE BOARD

After thorough review of the entire administrative record, the Board hereby adopts Hearing Examiner Rosan's Findings of Facts (1) through (18), including those that specifically relate to the Board's Notice letter dated October 11, 2019. The Board modifies the Report and Recommendation to include the Allegation (2), in its entirety, as set forth in the Notice of Hearing.

The Board adopts Conclusions of Law (19) through (21) and (23) through (24), including the Board's violations of law as set forth in the Notice of Hearing dated October 11, 2019, as set forth by Hearing Examiner Rosan. The Board strikes Conclusion of Law (22) as set forth in the Report and Recommendation, not of good moral character and habits, in violation of ORC 4729.92(A)(1) and 4729:3-1-01(N). All violations of law are supported based on the evidence in the record. Specifically, Respondent was seen on video four separate occasions pouring medication from bottles into his technician coat. (Exhibit 7; R & R at pg. 4) and Mr. Hitchcock admitting to an agent of the Board he took about 10 Tramadol pills from the pharmacy Exhibit 1; R & R at pg 4.) Additionally, although Respondent denied stealing the medication at the hearing, Hearing Examiner Rosan made a finding that his testimony denying the theft was not credible. (R & R at pg. 5.) Respondent pleaded guilty to two counts of theft of drugs resulting from the theft outlined in the Notice letter. (Tr. Pg. 15).

Pursuant to Section 4729.96 of the Ohio Revised Code and Rule 4729:3-4-01 of the Ohio Administrative Code, and after consideration of the

record as a whole, the Board hereby adopts, with modification, the recommendation of the Hearing Examiner and revokes, permanently, the suspended pharmacy technician trainee registration of Michael Hitchcock, registration no. 09-108202. The Board Orders:

**On the basis of the Findings of Facts (1) through (18) and the Hearing Examiner's Conclusion of Law (19) as it relates to the Notice dated October 11, 2019, the State of Ohio Board of Pharmacy hereby revokes permanently the pharmacy technician trainee registration, No. 09-108202, held by Michael Hitchcock, effective as of the date of the mailing of this order.**

**On the basis of the Findings of Facts (1) through (18) and the Hearing Examiner's Conclusion of Law (20) as it relates to the Notice dated October 11, 2019, the State of Ohio Board of Pharmacy hereby revokes permanently the pharmacy technician trainee registration, No. 09-108202, held by Michael Hitchcock, effective as of the date of the mailing of this order.**

**On the basis of the Findings of Facts (1) through (18) and the Hearing Examiner's Conclusion of Law (21) as it relates to the Notice dated October 11, 2019, the State of Ohio Board of Pharmacy hereby revokes permanently the pharmacy technician trainee registration, No. 09-108202, held by Michael Hitchcock, effective as of the date of the mailing of this order.**

**On the basis of the Findings of Facts (1) through (18) and the Hearing Examiner's Conclusion of Law (23) as it relates to the Notice dated October 11, 2019, the State of Ohio Board of Pharmacy hereby revokes permanently the pharmacy technician trainee registration, No. 09-108202, held by Michael Hitchcock, effective as of the date of the mailing of this order.**

**On the basis of the Findings of Facts (1) through (18) and the Hearing Examiner's Conclusion of Law (24) as it relates to the Notice dated October 11, 2019, the State of Ohio Board of Pharmacy hereby revokes permanently the pharmacy**

**technician trainee registration, No. 09-108202, held by Michael Hitchcock, effective as of the date of the mailing of this order.**

Michael Hitchcock may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs.

Mr. Wilt moved to confirm and approve the Report and Recommendation of Hearing Examiner Jewett with the modifications outlined above. Mr. Goodman seconded the motion. Motion passed (Yes - 7/No - 0).

SO ORDERED.

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**R-2022-0305**

After votes were taken in public session, the Board adopted the following order in the Matter of **Amy Kirk, Plain City, Ohio.**

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**ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**  
**CONFIRMING AND APPROVING**  
**REPORT & RECOMMENDATION OF HEARING EXAMINER**  
(Case Number A-2021-0233)

IN THE MATTER OF:  
Amy Kirk  
10700 US Highway 42 South  
Plain City, OH 43064  
(Medical Marijuana Caregiver Registration Applicant 0060-9030-9168-4548-0213)

**INTRODUCTION**

Amy Kirk (Respondent) applied for a medical marijuana caregiver registration (no. 0060-9030-9168-4548-0213) on May 15, 2021. The Board issued a Proposal to Deny/Notice of Opportunity for Hearing on July 13, 2021. Respondent timely requested a hearing and the Matter of Amy Kirk came for hearing before Hearing Examiner Megan Jewett on

September 7, 2021. Respondent appeared *pro se* and the State of Ohio was represented by Henry Appel, Assistant Attorney General. The Hearing Examiner's Report and Recommendation was issued to Respondent via certified mail, return receipt requested, on or about November 15, 2021. A courtesy copy was also issued to Respondent via email that day. The matter subsequently came for consideration by the Board on December 7, 2021, before the following members: Rich Miller, RPh, *Presiding*; Shawn Wilt, RPh, Vice President; Trina Buettner, RPh; Jason George, RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jeff Huston, RPh; and Jennifer Rudell, RPh.

#### BOARD REVIEW OF THE RECORD

The Board reviewed the entire administrative record in this matter prior to making its decision, which included the following items: State's Exhibits numbered 1 through 6, the hearing transcript, and Hearing Examiner Jewett's Report and Recommendation.

#### DECISION OF THE BOARD

After thorough review of the administrative record, the Board hereby confirms and approves in its entirety Hearing Examiner Jewett's Findings of Fact, as detailed in the Report and Recommendation.

After thorough review of the administrative record, the Board hereby confirms and approves in its entirety Hearing Examiner Jewett's Conclusions of Law, as detailed in the Report and Recommendation.

After thorough review of the administrative record, the Board hereby confirms and approves Hearing Examiner Jewett's recommendation and denies Respondent's medical marijuana caregiver registration application, no. 0060-9030-9168-4548-0213.

Mr. Wilt moved to confirm and approve the Hearing Examiner's Findings of Fact; Ms. Rudell seconded the motion. Motion passed (Yes-7/No-0).

Mr. Wilt moved to confirm and approve the Hearing Examiner's Conclusions of Law; Ms. Rudell seconded the motion. Motion passed (Yes-7/No-0).

Mr. Wilt moved to confirm and approve the Hearing Examiner's recommendation, as described above, to deny Respondent's medical

marijuana caregiver registration application, no. 0060-9030-9168-4548-0213; Ms. Rudell seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

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**R-2022-0306**

Ms. Buettner moved that the November 8, 2021, Probation Committee Meeting Minutes be approved as written. The motion was seconded by Mr. Grimm and approved by the Board: Yes-7, No-0.

**R-2022-0307**

Ms. Buettner moved that the December 1, 2021, Conference Call Meeting Minutes be approved as written. The motion was seconded by Mr. Grimm and approved by the Board: Yes-7, No-0.

**R-2022-0308**

Ms. Buettner moved that the November 8-9, 2021, Board Meeting Minutes be approved as written. The motion was seconded by Mr. Grimm and approved by the Board: Yes-7, No-0.

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**R-2022-0309**

Mr. Miller announced the dismissal of the Notice of Opportunity for Hearing issued on December 17, 2020, in the matter of **Peter C. Johnson, MD, Oregon, Ohio.**

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**R-2022-0310**

Mr. Miller announced the following Settlement Agreement has been signed by all parties and is now effective:

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**IN THE MATTER OF:  
Case No. A-2019-0091**

**Humane Society of Hancock County  
License No. 02-1918400  
d.b.a. Humane Society & SPCA of Hancock County  
c/o Laura Mather, DVM  
4550 Fostoria Avenue  
Findlay, Ohio 45840**

## **SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY**

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Humane Society of Hancock County (HSHC) for the purpose of resolving all issues between the parties relating to the Board investigation of possession and administration of expired Fatal Plus. Together, the Board and HSHC are referred to hereinafter as "the parties."

### **JURISDICTION**

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. HSHC is a licensed Terminal Distributor of Dangerous Drugs under license number 02-1918400.

### **FACTS**

1. The Board initiated an investigation of HSHC, Terminal Distributor of Dangerous Drugs license number 02-80000095, related to HSHC's possession and administration of expired Fatal Plus.
2. On or about July 27, 2021 the Board sent a Notice of Opportunity for Hearing to HSHC, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.
3. On or about August 12, 2021, HSHC, through counsel, timely requested an administrative hearing, which was subsequently scheduled for January 11, 2022.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

### **TERMS**

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. HSHC neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 27, 2021; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. HSHC agrees to pay to the Board a monetary penalty the amount of \$2,500.00, with \$1,500.00 of that penalty being stayed upon the condition that HSHC have no further violations of law for one year from the date of this Settlement Agreement.
  - a. The monetary penalty of \$1,000.00 will be attached to HSHC's license record and must be paid no later than 90 days from the effective date of this Order. To pay this fine you must login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in your cart.
  - b. If additional violations are discovered during inspection or otherwise, the stayed \$1,500.00 monetary penalty will be imposed. Notice will be provided to HSHC for payment of the stayed fine within 90 days of the notice.
4. HSHC agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. HSHC agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations.

Any violation by HSHC of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to HSHC by the Board and will NOT discharge HSHC from any obligation under the terms of this Agreement.

6. HSHC agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. HSHC understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom HSHC will operate.
9. HSHC explicitly withdraws its right for a hearing, waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
13. This Agreement shall become effective upon the date of the Board President's signature below.

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**R-2022-0311**

Mr. Miller announced the following Settlement Agreement has been signed by all parties and is now effective:

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**IN THE MATTER OF:  
Case Nos. A-2021-0237  
A-2021-0295**

**Application No. APP-000468606 Registration No. ME.05301263**

James Daher  
30151 White Road  
Willoughby Hills, OH 44092

**SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF  
PHARMACY**

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and James Daher (Respondent), for the purpose of resolving all issues between the parties relating to the Board investigation of Respondent's Medical Marijuana Support Employee License (MME.05301263) and his application for a Medical Marijuana Key Employee License (APP-000468606). Together, the Board and James Daher are referred to hereinafter as "the parties."

**JURISDICTION**

1. Pursuant to Section 3796.14 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, suspend without prior hearing, revoke, or refuse to renew a license or registration it issued under Chapter 3796. of the Revised Code.
2. Respondent presently holds Medical Marijuana Support Employee License no. MME.05301263, which was issued on or about December 2, 2020.
3. On or about May 11, 2021, Respondent submitted an application for licensure as Medical Marijuana Key Employee in the State of Ohio under application no. APP-000468606.

**FACTS**

1. On or about July 16, 2021, the Board issued a Notice of Opportunity for Hearing/Proposal to Deny Application for Medical Marijuana Key Employee License and/or Take Disciplinary Action Against Medical

Marijuana Support Employee License (Notice) to Respondent, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

2. On or about July 30, 2021, Respondent timely requested an administrative hearing, which was subsequently scheduled for November 17, 2021.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

**TERMS**

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Respondent does not contest the allegations stated in the Notice letter dated July 16, 2021; the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio law as set forth in the Notice, and hereby adjudicates the same.
3. The Board imposes a reprimand on Respondent's Medical Marijuana Support Employee License (MME.05301263).
4. Respondent agrees to pay to the Board a monetary penalty in the amount of \$100 (the "Monetary Penalty"). This Monetary Penalty will be attached to Respondent's Medical Marijuana Support Employee License record (MME.05301263) and must be paid no later than 180 days from the effective date of this Order. To pay the Monetary Penalty, Respondent must log in to [www.license.ohio.gov](http://www.license.ohio.gov) and process the items in the cart.
5. Upon payment of the monetary penalty described above in Paragraph (4), and completion of any other applicable licensing documentation and/or payment of any other applicable related licensing fees, the Board will grant Respondent's application for a Medical Marijuana Key Employee License (APP-000468606).
6. Respondent agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Respondent understands that he has the right to be represented by counsel for review and execution of this agreement.
8. Respondent agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional

license, including to the Board on renewal applications or applications for a new license.

9. Respondent explicitly withdraws his request for a hearing, waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and waives any right to an appeal.
10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

This Agreement shall become effective upon the date of the Board President's signature below.

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**R-2022-0312**

Mr. Miller announced the following Settlement Agreement has been signed by all parties and is now effective:

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**IN THE MATTER OF:  
Case No. A-2020-0574**

**Rosario Carcione, RPh  
License No. 03-236560  
877 Hidden Valley Dr,  
Wadsworth, OH 44281**

**SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF  
PHARMACY**

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Rosario Carcione, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of a certified pharmacy technician allowing her 13-year-old daughter to engage in pharmacy technician duties at Compounding Pharmacy of Green. Together, the Board and Rosario Carcione, RPh are referred to hereinafter as "the parties."

#### **JURISDICTION**

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Rosario Carcione, RPh is a licensed pharmacist in the state of Ohio under license number 03-236560.
3. Rosario Carcione, RPh is the Responsible Person of Compounding Pharmacy of Green, located at 4016 Massillon Road, Suite B, Uniontown, Ohio.

#### **FACTS**

1. The Board initiated an investigation of Rosario Carcione, RPh, pharmacist license number 03-236560, related to a certified pharmacy technician allowing her 13-year-old daughter to engage in pharmacy technician duties at Compounding Pharmacy of Green.
2. On or about June 22, 2021, the Board sent a Notice of Opportunity for Hearing to Rosario Carcione, RPh, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.
3. On or about July 2, 2021, Rosario Carcione, RPh, timely requested an administrative hearing, which was subsequently scheduled for December 7, 2021.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

### **TERMS**

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Rosario Carcione, RPh neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated June 22, 2021; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Rosario Carcione, RPh agrees to pay to the Board a monetary penalty in the amount of \$500.00. This fine will be attached to Rosario Carcione, RPh's license record and must be paid no later than 180 days from the effective date of this Order. To pay this fine, login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in the cart.
4. Rosario Carcione, RPh must obtain three hours of approved continuing pharmacy education (0.3 CEUs) in the topic of patient safety which may not also be used for license renewal. The 0.3 CEUs must be completed within six months from the effective date of this agreement. Additionally, Rosario Carcione must complete the Responsible Person Roundtable, a total of one hour (0.1 CEU). Copies of completed CEUs must be e-mailed to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov).
5. Rosario Carcione, RPh agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Rosario Carcione, RPh understands that he has the right to be represented by counsel for review and execution of this agreement.

7. Rosario Carcione, RPh agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
  8. Rosario Carcione, RPh explicitly withdraws his request for a hearing, waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and waives any right to an appeal.
  9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
  10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
  11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
  12. This Agreement shall become effective upon the date of the Board President's signature below.
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**R-2022-0313**

Mr. Miller announced the following Settlement Agreement has been signed by all parties and is now effective:

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**IN THE MATTER OF:  
CASE NO. A-2019-0507**

**David Baker, RPh**  
**License No. 03-214143**  
3429 Turtle Shell Drive  
Dayton, Ohio 45414

## **SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY**

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and David Baker, for the purpose of resolving all issues between the parties relating to the Board investigation of David Baker documenting patient clinical interventions that were not performed. Together, the Board and David Baker are referred to hereinafter as "the parties."

### **JURISDICTION**

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. David Baker is a licensed pharmacist in Ohio under license number 03-214143.

### **FACTS**

1. The Board initiated an investigation of David Baker, pharmacist license number 03-214143, related to documenting patient clinical interventions that were not performed.
2. On or about October 18, 2021, the Board sent a Notice of Opportunity for Hearing to David Baker, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

### **TERMS**

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. David Baker neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated October 18, 2021; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. David Baker agrees to pay to the Board a monetary penalty in the amount of \$100.00. This fine will be attached to your license record and must be paid no later than 180 days from the effective date of this Order. To pay this fine you must login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in your cart.
4. David Baker must obtain, within 180 days from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs), which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov).
5. David Baker agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. David Baker understands that he has the right to be represented by counsel for review and execution of this agreement.
7. David Baker agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. David Baker waives his opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
  11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
  12. This Agreement shall become effective upon the date of the Board President's signature below.
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**R-2022-0314**

Mr. Miller announced the following Settlement Agreement has been signed by all parties and is now effective:

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**IN THE MATTER OF:  
Case No. A-2021-0258**

**Orthopaedic and Spine Center, LLC**  
**License No. 02-21698600**  
c/o Kedar Deshpande, MD  
4092 Gantz Road  
Grove City, OH 43123

**SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF  
PHARMACY**

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board), Orthopaedic and Spine Center, LLC for the purpose of resolving all issues between the parties relating to federal drug and medical-practice-related convictions of owner and Responsible Person, Dr. Kedar Deshpande. Together, the Board and Orthopaedic and Spine Center, LLC are referred to hereinafter as "party" or "the parties."

**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, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.

2. Orthopaedic and Spine Center, LLC, located at 4092 Gantz Road, Grove City, Ohio 43123 is a licensed Terminal Distributor of Dangerous Drugs with Pain Management Clinic (PMC) Classification under license number 02-21698600.

### **FACTS**

1. The Board initiated an investigation of Orthopaedic and Spine Center, LLC, Terminal Distributor of Dangerous Drugs license number 02-21698600 related to Dr. Kedar Deshpande, owner and Responsible Person, being under investigation by the U.S. Department of Health and Human Services and the State of Ohio Attorney General's Office for health care fraud and pre-signing of controlled substance prescriptions by Dr. Deshpande.
2. On or about October 7, 2020, Dr. Deshpande entered a guilty plea to two of a nineteen-count indictment: Unlawful Distribution of Controlled Substances, and False Statements Relating to Health Care Matters. On or about April 15, 2021, Dr. Deshpande was sentenced to a one-day prison sentence and ordered to pay restitution in the amount of \$117,124.88. Dr. Deshpande must also serve three years of supervised release.
3. On or about December 9, 2020, the State Medical Board of Ohio (SMBO) sent a Notice of Immediate Suspension and Opportunity for Hearing. Per the Notice letter, the SMBO suspended Dr. Deshpande's license to practice medicine and surgery in the State of Ohio due to his guilty plea in federal court. As of a Medical Board Order effective August 26, 2021, Dr. Deshpande's license to practice medicine and surgery were indefinitely suspended for at least five years, subject to an eighteen thousand dollar fine, conditions for reinstatement or restoration, and probationary terms, conditions and limitations for at least five years. Upon completion of probation and restoration, Dr. Deshpande's license is subject to a permanent limitation and restriction prohibiting the doctor from prescribing, writing orders for, giving verbal orders for, administering, or personally furnishing any controlled substance.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative proceedings.

### **TERMS**

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. **The Board agrees to accept, in lieu of any formal notice of opportunity of hearing, Orthopaedic and Spine Center, LLC's permanent and voluntary surrender to the State of Ohio Board of Pharmacy of its Terminal Distributor of Dangerous Drugs license, license number 02-21698600, with discipline pending.**
3. **Orthopaedic and Spine Center, LLC and Kedar Deshpande agree never to reapply for any license or registration, issued by the State of Ohio Board of Pharmacy pursuant to Chapters 3719., 3796., 4729., or 4752. of the Revised Code that involve the possession, sale, or other distribution of controlled substances, in accordance with the restriction placed on his license to practice medicine.**
4. Orthopaedic and Spine Center, LLC agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license.
5. Orthopaedic and Spine Center, LLC agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Orthopaedic and Spine Center, LLC understands that it has the right to be represented by counsel for review and execution of this agreement.

7. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Orthopaedic and Spine Center, LLC will operate.
  8. Orthopaedic and Spine Center, LLC expressly waives the requirements of Chapter 119. of the Ohio Administrative Code, including right to notice of an opportunity for hearing as set forth in Section 119.07 of the Ohio Revised Code, opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and further, waives any right to an appeal.
  9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
  10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
  11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
  12. This Agreement shall become effective upon the date of the Board President's signature below.
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**R-2022-0315**

Mr. Miller announced the following Settlement Agreement has been signed by all parties and is now effective:

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**IN THE MATTER OF:  
Case No. A-2021-0490**

**Mark Fettman, M.D., DBA Ohio Suboxone Doctors  
SUSPENDED License No. 02-2826650  
c/o Dr. Mark Fettman  
1125 NW 12<sup>th</sup> Floor #323  
Portland, OR 97209**

### **CONSENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY**

This Consent Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Mark Fettman, M.D., DBA Ohio Suboxone Doctors (hereinafter "Ohio Suboxone Doctors") for the purpose of temporarily resolving outstanding issues between the parties relating to allegedly illegal and improper dispensing at the Terminal Distributor of Dangerous Drugs (TDDD) with an Office-Based Opioid Treatment (OBOT) Classification. Together, the Board and Ohio Suboxone Doctors are referred to hereinafter as "party" or "the parties."

#### **JURISDICTION**

3. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
4. Pursuant to ORC Section 4729.571, the Board may suspend without a hearing the license of a TDDD if the Board determines that there is clear and convincing evidence of a danger of immediate and serious harm to others due to either of the following:
  - a. The method used by the terminal distributor to possess or distribute dangerous drugs, ORC Section 4729.571(A)(1); and/or
  - b. The method of prescribing dangerous drugs used by a licensed health professional authorized to prescribe drugs who holds a terminal distributor license or practices in the employ of or under contract with a terminal distributor, ORC Section 4729.571(A)(2).
5. Ohio Suboxone Doctors, located at 6161 Busch Blvd., Ste 208, Columbus, OH 43229, is a licensed TDDD-OBOT under license number 02-2826650.

**FACTS**

4. The Board initiated an investigation of Ohio Suboxone Doctors related to Dr. Mark Fettman, owner and Responsible Person, providing prescriptions to patients for cash without providing proper medical treatment.
5. On or about October 22, 2021, Dr. Mark Fettman was indicted on five counts of trafficking drugs, in violation of ORC Section 2925.03, each a felony of the fifth degree, and one count of engaging in a pattern of corrupt activity, in violation of ORC 2923.32, a felony of the second degree. The criminal case is pending in the Franklin County Court of Common Pleas. 21-CR-004441.

WHEREFORE, the parties desire to enter into a temporary Consent agreement while Case No. 21-CR-00441 is pending in the Franklin County Court of Common Pleas.

**TERMS**

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

13. The recitals set forth above are incorporated in this Consent Agreement as though fully set forth herein.
14. The Board agrees to accept, in lieu of any formal summary suspension/notice of opportunity of hearing, Ohio Suboxone Doctors' temporary indefinite suspension of its TDDD-OBOT License, license number 02-2826650.
15. Ohio Suboxone Doctors agrees license number 02-2826650 will remain in "suspension" status indefinitely, or until such time as the parties are prepared to proceed, either with an administrative notice of opportunity for hearing or other resolution, but the license shall not be reinstated before such time as Franklin County Court of Common Pleas Case No. 21-CR-004441 is resolved and any criminal probation, criminal intervention in lieu of conviction program, or any other post-conviction requirements have been successfully completed, if applicable.

16. Ohio Suboxone Doctors agrees to notify the Board in writing, within 10 days, of any substantial updates to Franklin County Court of Common Pleas Case No. 21-CR004441, including additional charges filed or dismissed, or any plea, conviction, or other resolution to the matter.
17. Any violation of ORC Chapters 2925., 3715., 3719., 4729., any Administrative Code provision, or a violation of any other state or federal law subsequent to the date of this Agreement will be considered a violation of this Agreement and may result in criminal and/or administrative charges.
18. Failure to complete the terms set forth in this Agreement will result in the Board issuing a Notice of Opportunity for Hearing to consider disciplinary action, up to and including revocation of License No. 02-2826650.
19. Ohio Suboxone Doctors agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
20. Ohio Suboxone Doctors understands that it has the right to be represented by counsel for review and execution of this agreement.
21. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Ohio Suboxone Doctors will operate.
22. Ohio Suboxone Doctors, for purposes of the temporary indefinite suspension, expressly waives the requirements of Chapter 119. of the Ohio Administrative Code, including right to notice of an opportunity for hearing, as set forth in Section 119.07 of the Ohio Revised Code, the opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, any right to an appeal, and any other rights afforded to it by Chapter 4729. of the Ohio Revised Code related to the suspension of License No. 02-2826650.
23. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

24. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
25. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
26. This Agreement shall become effective upon the date of the Board President's signature below.

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**R-2022-0316**

Mr. Miller announced the following Settlement Agreement has been signed by all parties and is now effective:

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**IN THE MATTER OF:  
CASE NO. A-2020-0595  
I-2020-0753**

**Allergan USA, Inc.  
License No. 01-1915100**

c/o David E. Parker  
1800 Waters Ridge Drive, Suite 100  
Lewisville, TX 75057

**SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF  
PHARMACY**

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Allergan USA, Inc., for the purpose of resolving all issues between the parties relating to the Board investigation of illegal sales of dangerous drugs to an unlicensed entity. Together, the Board and MD Buying Group, LLC are referred to hereinafter as "the parties."

**JURISDICTION**

1. Pursuant to Section 4729.56 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Section 4729.52 of the Ohio Revised Code.
2. Allergan USA, Inc., is a licensed Wholesaler Distributor of Dangerous Drug, License No. 01-1915100, which lists David E. Parker, as the Responsible Person.

#### **FACTS**

1. The Board initiated an investigation of Allergan USA, Inc., LLC, Wholesaler Distributor of Dangerous Drugs License No. 01-1915100, related to Allergan USA, Inc.'s illegal sales of dangerous drugs to an unlicensed entity.
2. On or about March 5, 2021, the Board sent a Notice of Opportunity for Hearing to Allergan USA, Inc., which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

#### **TERMS**

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Allergan USA, Inc. neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated March 5, 2021; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Allergan USA, Inc. agrees to pay to the Board a monetary penalty in the amount of \$125.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective

date of this Order. To pay this fine you must login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in your cart.

4. Allergan USA, Inc. agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Allergan USA, Inc. agrees to comply with all federal and state requirements related to Wholesale Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Allergan USA, Inc. of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Allergan USA, Inc. by the Board and will NOT discharge Allergan USA, Inc. from any obligation under the terms of this Agreement.
6. Allergan USA, Inc. agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Allergan USA, Inc. understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Allergan USA, Inc. will operate.
9. Allergan USA, Inc. waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.

10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
13. This Agreement shall become effective upon the date of the Board President's signature below.

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**R-2022-0317**

Mr. Miller announced the following Settlement Agreement has been signed by all parties and is now effective:

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**IN THE MATTER OF:  
Case No. A-2021-0032  
501-3860**

**Ziks Family Pharmacy #100  
License No. 02-2055300  
c/o Nnenna Ihome, RPh  
1130 West Third Street  
Dayton, Ohio 45402**

**SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF  
PHARMACY**

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Ziks Family Pharmacy #100 (Ziks #100) for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing duties of a pharmacy technician without obtaining appropriate registration with the Board. Together, the Board and Ziks #100 are referred to hereinafter as "the parties."

### **JURISDICTION**

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.
2. Ziks Family Pharmacy #100 has an active TDDD license with the Board under license number 02-2055300, which lists Nnenna IHEME, RPh, as the Responsible Person.

### **FACTS**

1. The Board initiated an investigation of Ziks #100, TDDD license number 02-2055300, related to an employee performing duties of a pharmacy technician without obtaining appropriate registration with the Board.
2. On or about July 30, 2021, the Board sent a Notice of Opportunity for Hearing to Ziks #100, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

### **TERMS**

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Ziks #100 neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 30, 2021, however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.

3. Ziks #100 agrees to pay to the Board a monetary penalty the amount of \$250.00. This fine will be attached to Ziks #100's license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine, login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in the cart.
4. Ziks #100 agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Ziks #100 agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729, and the Rules adopted thereunder, Chapter 3719, and the Rules adopted thereunder, Chapter 3715, and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Ziks #100 of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Ziks #100 by the Board and will NOT discharge Ziks #100 from any obligation under the terms of this Agreement.
6. Ziks #100 agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Ziks #100 understands that it has the right to be represented by counsel for review and execution of this agreement.
8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Ziks #100 will operate.
9. Ziks #100 waives its opportunity to be heard pursuant to Chapter 119, of the Ohio Revised Code and waives any right to appeal.

10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
  11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
  12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
  13. This Agreement shall become effective upon the date of the Board President's signature below.
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**R-2022-0318**

Mr. Miller announced the following Settlement Agreement has been signed by all parties and is now effective:

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**IN THE MATTER OF:  
A-2019-0440**

**Douglas Vaal, RPh  
License No. 03-215466  
116 Mound Avenue  
Milford, Ohio 45150**

**SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF  
PHARMACY**

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Douglas Vaal, for the purpose of resolving all issues between the parties relating to the Board investigation of an error in dispensing. Together, the Board and Douglas Vaal are referred to hereinafter as "the parties."

**JURISDICTION**

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to

Section 4729.16 of the Ohio Revised Code to practice pharmacy in the state of Ohio.

2. Douglas Vaal is a licensed pharmacist in the state of Ohio under license number 03-215466.

#### **FACTS**

1. The Board initiated an investigation of Douglas Vaal, pharmacist license number 03-215466, regarding an error in dispensing.
3. On or about August 23, 2021, the Board sent a Notice of Opportunity for Hearing to Douglas Vaal, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

#### **TERMS**

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Agreement as though fully set forth herein.
2. Douglas Vaal neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated August 23, 2021; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Douglas Vaal must complete a total of nine hours continuing education units (0.9 CEUs) in medication errors and/or patient safety, which may not also be used for license renewal. The CEU must be completed within 180 days from the effective date of this agreement. Copies of completed CEU must be e-mailed to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov).

4. Douglas Vaal agrees to pay to the Board a monetary penalty in the amount of \$750.00. This fine will be attached to Douglas Vaal's license record and must be paid no later than 180 days from the effective date of this Order. To pay this fine you must login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in your cart.
5. Douglas Vaal agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Douglas Vaal understands that he has the right to be represented by counsel for review and execution of this Agreement.
7. Douglas Vaal agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Douglas Vaal expressly waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. This Agreement shall become effective upon the date of the Board President's signature below.

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**R-2022-0319**

Mr. Miller announced the following Settlement Agreement has been signed by all parties and is now effective:

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**IN THE MATTERS OF:  
Case Nos. A-2019-0096  
A-2020-0455**

**Specialized Medical Services, Inc.**  
**License No. 01-2419800**  
and Debra Griffith, Responsible Person  
P.O. Box 9004  
ATTN: Licensing  
Clearwater, FL 33758

**SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF  
PHARMACY**

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Specialized Medical Services, Inc. (Respondent), for the purpose of resolving all issues between the parties relating to the Board two separate investigations of Respondent's sale of medical grade oxygen to two separate Terminal Distributors of Dangerous Drugs (TDDD) while each TDDD's license was expired. Together, the Board and Respondent are referred to hereinafter as "the parties."

**JURISDICTION**

1. Pursuant to Section 4729.56 of the Ohio Revised Code (ORC) and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to renew any registration certificate issued to a wholesale distributor of dangerous drugs (WDDD) pursuant to section 4729.52 of the ORC or may impose a monetary penalty of forfeiture not to exceed in the severity any fine designated under the ORC for a similar offense or \$2,500 if the acts committed have not been classified as an offense by the ORC.
2. Specialized Medical Services, Inc., has a current WDDD license with the Board under license number 01-2419800, which lists Debra Griffith as the Responsible Person.

**FACTS**

1. The Board initiated an investigation of Respondent, WDDD License No. 01-2419800, related to Respondent's sale of medical grade oxygen to two separate Terminal Distributors of Dangerous Drugs (TDDD) while each TDDD's license was expired.
2. On or about July 12, 2021, the Board sent a Notice of Opportunity for Hearing to Respondent for case nos. A-2019-0096 and A-2020-0455, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

#### **TERMS**

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Respondent neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated July 12, 2021; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. In order to resolve both case no. A-2019-0096 and case no. A-2020-0455, Respondent agrees to pay to the Board a total monetary penalty the amount of \$2,300. This fine will be attached to the license record and must be paid no later than 180 days from the effective date of this Order. To pay this fine login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in the cart.
4. Respondent agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.

5. Respondent agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Respondent understands that it has the right to be represented by counsel for review and execution of this agreement.
7. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Respondent will operate.
8. Respondent waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the ORC and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Section 149.43 of the ORC.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

This Agreement shall become effective upon the date of the Board President's signature below.

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**R-2022-0320**

Mr. Miller announced the following Settlement Agreement has been signed by all parties and is now effective:

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**IN THE MATTER OF:  
CASE No. A-2020-0135**

**Edward Simko, R.Ph.  
License No. 03-310716  
81 Saw Mill Run**

Canfield, Ohio 44406

**SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY**

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Edward Simko, R.Ph. for the purpose of resolving all issues between the parties relating to the Board investigation of her practice as a pharmacist. Together, the Board and Edward Simko, R.Ph., are referred to hereinafter as “the parties.”

**JURISDICTION**

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Edward Simko is an Ohio-licensed pharmacist under license number 03-120497.

**FACTS**

1. The Board initiated an investigation of Edward Simko’s practice of pharmacy with an expired license.
2. On or about October 18, 2021, the Board sent a Notice of Opportunity for Hearing to Edward Simko, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

**TERMS**

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Edward Simko neither admits nor denies the allegations stated in the Amended Notice of Opportunity for hearing letter dated October 18, 2021; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Edward Simko agrees to pay a fine of \$900.00 to the State of Ohio Board of Pharmacy. The fine shall be paid no later than thirty (30) days from the effective date of this Settlement Agreement. You must login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in your cart to pay this fine.
4. Edward Simko agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Edward Simko understands that the Board will not consider any request for deviation from the terms and conditions of this Agreement until a minimum of one year has passed from the effective date of this Agreement.
6. Edward Simko understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Edward Simko agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Edward Simko waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and specifically withdraws her request for a hearing in this matter waives any right to an appeal.

9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
  10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
  11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
  12. This Agreement shall become effective upon the date of the Board President's signature below.
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**R-2022-0321**

Mr. Miller announced the following Settlement Agreement has been signed by all parties and is now effective:

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**IN THE MATTER OF:  
Case No. A-2021-0265  
501-5231**

**Stephen Trapp, RPh  
License No. 03-230512  
921 Merritt Grove Lane  
Cincinnati, Ohio 45255**

**SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF  
PHARMACY**

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Stephen Trapp, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the

Board. Together, the Board and Stephen Trapp are referred to hereinafter as “the parties.”

### **JURISDICTION**

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Stephen Trapp is a licensed pharmacist in the state of Ohio under license number 03-230512.
3. Stephen Trapp is the Responsible Person of CVS Pharmacy #6101, located at 8560 Winton Road, Cincinnati, Ohio.

### **FACTS**

1. The Board initiated an investigation of Stephen Trapp, pharmacist license number 03-230512, and CVS Pharmacy #6101, related to an employee of CVS Pharmacy #6101 performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board.
2. On or about October 12, 2021, the Board sent a Notice of Opportunity for Hearing to Stephen Trapp, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

### TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Stephen Trapp neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated October 12, 2021; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Stephen Trapp agrees to pay to the Board a monetary penalty in the amount of \$250.00. This fine will be attached to Stephen Trapp's license record and must be paid no later than 180 days from the effective date of this Order. To pay this fine, login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in the cart.
4. Stephen Trapp agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Stephen Trapp understands that he has the right to be represented by counsel for review and execution of this agreement.
6. Stephen Trapp agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.

7. Stephen Trapp explicitly waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
11. This Agreement shall become effective upon the date of the Board President's signature below.

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**R-2022-0322**

Mr. Miller announced the following Settlement Agreement has been signed by all parties and is now effective:

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**IN THE MATTER OF:  
CASE No. A-2020-0147**

**Renee Shively, R.Ph.  
License No. 03-118871  
1492 East Lynn Drive  
Dayton, Ohio 45432**

**SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF  
PHARMACY**

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Renee Shively, R.Ph. for the purpose of resolving all issues between the parties relating to the Board investigation of her practice as a pharmacist. Together, the Board and Renee Shively, R.Ph., are referred to hereinafter as "the parties."

### **JURISDICTION**

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Renee Shively is an Ohio-licensed pharmacist under license number 03-118871.

### **FACTS**

1. The Board initiated an investigation of Renee Shively's practice of pharmacy with an expired license.
2. On or about October 25, 2021, the Board sent a Notice of Opportunity for Hearing to Renee Shively, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

### **TERMS**

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.

2. Renee Shively neither admits nor denies the allegations stated in the Amended Notice of Opportunity for hearing letter dated October 25, 2021; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Renee Shively agrees to pay a fine of \$200.00 to the State of Ohio Board of Pharmacy. The fine shall be paid no later than thirty (30) days from the effective date of this Settlement Agreement. You must login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in your cart to pay this fine.
4. Renee Shively agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Renee Shively understands that the Board will not consider any request for deviation from the terms and conditions of this Agreement until a minimum of one year has passed from the effective date of this Agreement.
6. Renee Shively understands that she has the right to be represented by counsel for review and execution of this agreement.
7. Renee Shively agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
8. Renee Shively waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and specifically withdraws her request for a hearing in this matter waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. This Agreement shall become effective upon the date of the Board President's signature below.

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**R-2022-0323**

Mr. Miller announced the following Settlement Agreement has been signed by all parties and is now effective:

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**IN THE MATTER OF:  
Case No. A-2020-0286  
M 501-2530**

**The Pharmacy at Eastway  
License No. 02-2098050  
c/o Tom Mowbray, Owner  
600 Wayne Avenue  
Dayton, OH 45410**

**SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF  
PHARMACY**

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and The Pharmacy at Eastway (Respondent) for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board. Together, the Board and The Pharmacy at Eastway are referred to hereinafter as "the parties."

**JURISDICTION**

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend,

revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.

2. Respondent has an active TDDD license with the Board under license number 02-2098050, which presently lists Kevin Berry, RPh, as the Responsible Person. Tom Mowbray is the owner.

#### **FACTS**

1. The Board initiated an investigation of Respondent, TDDD license number 02-2098050, related to an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board.
2. On or about October 4, 2021, the Board sent a Notice of Opportunity for Hearing to Respondent, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

**TERMS**

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Respondent neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated October 4, 2021, however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Respondent agrees to pay to the Board a monetary penalty the amount of \$1,000. This fine will be attached to Respondent's license record and must be paid no later than 180 days from the effective date of this Order. To pay this fine, login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in the cart.
4. Respondent agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.
5. Respondent agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Respondent of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Respondent by the Board and will NOT discharge Respondent from any obligation under the terms of this Agreement.

6. Respondent agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
  7. Respondent understands that it has the right to be represented by counsel for review and execution of this agreement.
  8. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Respondent will operate.
  9. Respondent explicitly withdraws its right for a hearing, waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code, and waives any right to an appeal.
  10. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
  11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
  12. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
  13. This Agreement shall become effective upon the date of the Board President's signature below.
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**R-2022-0324**

Mr. Goodman moved to Adjourn the December 2021 State of Ohio Board of Pharmacy Meeting. The motion was seconded by Ms. Buettner and approved by the Board: Yes-7, No-0.

**1:53 p.m.**

The Board Meeting Adjourned.

\_\_\_\_\_ Date: \_\_\_\_\_  
Rich Miller R.Ph., President

\_\_\_\_\_ Date: \_\_\_\_\_  
Steven W. Schierholt, Executive Director