



**IN THE MATTER OF:**

**CASE NO. A-2022-0548**

**Anthony Rozzi, RPh**  
5883 Tippecanoe Road  
Canfield, Ohio 44406

**License No. 03-118857**

**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 Anthony Rozzi, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of an error in dispensing. Together, the Board and Anthony Rozzi 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 Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Anthony Rozzi is a licensed pharmacist in the state of Ohio under license number 03-118857.

**FACTS**

1. The Board initiated an investigation of Anthony Rozzi, pharmacist license number 03-118857, related to an error in dispensing.

2. On or about February 22, 2024, the Board sent a Notice of Opportunity for Hearing to Anthony Rozzi, 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 February 26, 2024, Anthony Rozzi, timely requested an administrative hearing, which was subsequently scheduled for August 7, 2024. This matter was settled via this Agreement prior to hearing.

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:

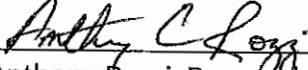
1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Anthony Rozzi neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated February 22, 2024; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Anthony Rozzi agrees to pay to the Board a monetary penalty in the amount of \$500.00. This fine will be attached to Anthony Rozzi's license record and must be paid no later than 180 days from the effective date of this Agreement. To pay this fine, login to [www.elicense.ohio.gov](http://www.elicense.ohio.gov) and process the items in the cart.
4. Anthony Rozzi must obtain twenty hours of approved continuing pharmacy education (2.0 CEUs) in the topic of hormonal compounding, which may not also be used for license renewal. The 2.0 CEUs must be completed within six months from the effective date of this Agreement. Copies of completed CEUs must be e-mailed to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov).
5. The Board hereby imposes a written reprimand on Anthony Rozzi's pharmacist license, number 03-118857.
6. Anthony Rozzi agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

7. Anthony Rozzi understands that he has the right to be represented by counsel for review and execution of this agreement.
8. Anthony Rozzi 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 he currently holds a professional license, including the Board on renewal applications or applications for a new license.
9. Anthony Rozzi 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.
13. If any of the provisions, terms, or clauses of this Agreement are declared illegal, unenforceable, or ineffective by an authority of competent jurisdiction, those provisions, terms, and clauses shall be deemed severable, such that all other provisions, terms, and clauses of this Agreement shall remain valid and binding upon both Parties.
14. This Agreement shall become effective upon the date of the Board President's signature below.

*[SIGNATURE PAGE FOLLOWS]*

IN WITNESS WHEREOF, the parties to this Agreement have executed it and/or cause it to be executed by their duly authorized representatives.

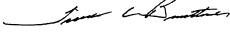
Approved by:

  
\_\_\_\_\_  
Anthony Rozzi, Respondent

6-14-24  
\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Attorney for Respondent (if applicable)

\_\_\_\_\_  
Date of Signature

  
\_\_\_\_\_  
Trina Buettner, RPh, President,  
State of Ohio Board of Pharmacy

06.18.2024  
\_\_\_\_\_  
Date of Signature



**-THIS IS A RED INK STAMP-**  
I certify this to be a true and exact copy of the original document on file with the Ohio State Board of Pharmacy.  
*Steven W. Schierholt*  
Steven W. Schierholt, Esq., Executive Dir.  
Date: Feb 22, 2024  
**-MUST HAVE BOARD SEAL TO BE OFFICIAL-**

**NOTICE OF OPPORTUNITY FOR HEARING  
PROPOSAL TO TAKE DISCIPLINARY ACTION AGAINST LICENSEE**

**IN THE MATTER OF:**

**CASE NO. A-2022-0548**

**Anthony Carl Rozzi, RPh**  
5883 Tippecanoe Road  
Canfield, OH 44406

**License No. 03-118857**

February 22, 2024

Dear Mr. Rozzi:

**You are notified, in accordance with the provisions of Section 119.07 of the Ohio Revised Code the State of Ohio Board of Pharmacy (Board) proposes to take action against your license for violations of Chapter 4729. of the Revised Code and Chapter 4729 of the Administrative Code under authority of Section 4729.16 of the Revised Code.**

**JURISDICTION**

1. Pursuant to division (A)(1) of Section 4729.16 (effective October 9, 2021) of the Ohio Revised Code (ORC), the Board may impose any one or more of the following sanctions on a pharmacist or pharmacy intern if the board finds the individual engaged in any of the conduct set forth in division (A)(2) of this section:
  - a. Revoke, suspend, restrict, limit, or refuse to grant or renew a license, ORC 4729.16(A)(1)(a); and/or
  - b. Reprimand or place the license holder on probation, ORC 4729.16(A)(1)(b); and/or
  - c. Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or in the case of a violation of a section of the Revised Code that does not bear a penalty, impose a monetary penalty or forfeiture of not more than \$500, ORC 4729.16(A)(1)(c).
2. Rule 4729-5-04 of the Ohio Administrative Code (OAC), effective January 1, 2011, and April 28, 2016, provides that the Board may discipline or deny the issuance of a license to practice pharmacy as a pharmacist in Ohio.
3. Rule 4729:1-4-01 of the Ohio Administrative Code (OAC) provides that the Board may discipline or deny the issuance of a license to practice pharmacy as a pharmacist in Ohio.

77 South High Street, 17th Floor, Columbus, Ohio 43215

T: (614) 466.4143 | F: (614) 752.4836 | [contact@pharmacy.ohio.gov](mailto:contact@pharmacy.ohio.gov) | [www.pharmacy.ohio.gov](http://www.pharmacy.ohio.gov)



4. Anthony Carl Rozzi, RPh is a licensed pharmacist in the state of Ohio under license number 03-118857.

### **ALLEGATIONS**

1. On or about July 27, 2015, through on or about October 7, 2021, MD Compounding Pharmacy, located at 721 Boardman-Canfield Road, Youngstown, Ohio, dispensed 15 prescriptions for patient 1. All the prescriptions were dispensed to patient 1 as methyltestosterone (a Schedule III Controlled Substance) instead of the prescribed medication testosterone (a Schedule III Controlled Substance). Neither the prescriber nor the patient was consulted or notified prior to changing the medication.
2. From on or about July 27, 2015, through on or about October 7, 2021, while working as a pharmacist at MD Compounding Pharmacy, you approved data entry, including the change from testosterone to methyltestosterone (PV-1) for 11 prescriptions for patient 1. The prescriber was never contacted to request the change to methyltestosterone from testosterone. The (eleven) 11 prescriptions include:
  - a. 102514 (dispensed July 28, 2015),
  - b. 103416 (dispensed February 29, 2016),
  - c. 104596 (dispensed June 29, 2016),
  - d. 107538 (dispensed June 7, 2017),
  - e. 108772 (dispensed December 7, 2017),
  - f. 115396 (dispensed September 25, 2019),
  - g. 117309 (dispensed March 31, 2020),
  - h. 70000017 (dispensed October 8, 2020),
  - i. 70000061 (dispensed November 11, 2020),
  - j. 70000281 (dispensed April 5, 2021), and
  - k. 70000521 (dispensed October 7, 2021).
3. The patient ingested the incorrect medication from on or about July 27, 2015, through on or about April 2022, when a refill request was sent to the prescriber from the pharmacy and the prescriber realized the wrong medication was listed on the request. The prescriber contacted MD Compounding Pharmacy and confirmed that the Pharmacy had been issuing a therapeutic substitution without the prescriber's approval.
4. On or about June 8, 2022, you were interviewed by an agent of the Board, and provided a written, notarized statement. You stated:
  - a. You were aware of the situation as you had spoken with both the patient and the prescriber.
  - b. Upon receipt of the initial prescription (#102514) for testosterone 0.2mg troche with six (6) refills, the pharmacy conferred with Mark Baugh who was working as a technician at MD Compounding Pharmacy and Professional Compounding Centers of America (PCCA) regarding testosterone's oral activity.
  - c. Baugh explained testosterone was inactive orally and should be changed to methyltestosterone to improve the absorption.
  - d. The prescription was changed to methyltestosterone without contacting Dr. Scott.

## POTENTIAL VIOLATIONS OF LAW

1. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of section 3715.52(A)(2) of the ORC, the adulteration or misbranding of any food, drug, device, or cosmetic, a misdemeanor of the fourth degree, punishable by a maximum penalty of \$250.
2. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of section 3715.64(A)(1), Misbranded drug – its labeling is false or misleading in any particular, punishable by a maximum penalty of \$150.
3. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of section 3715.64(A) of the ORC, Misbranding, each violation punishable by a maximum penalty of \$150: The drug sold or dispensed is not the brand or drug specifically prescribed or ordered or, when dispensed by a pharmacist upon prescription, is neither the brand or drug prescribed nor a generically equivalent drug, ORC Section 3715.64(A)(10)(d).
4. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of each of the following divisions of Rule 4729:5-1-16(B) of the OAC as effective December 1, 2020, each violation punishable by a maximum penalty of \$500:
  - a. Except as provided for in paragraph (D) of this rule, a pharmacist shall not make changes to the drug prescribed, except for substitution permitted by law, the prescriber's signature, or the patient's name, OAC 4729:5-1-16(B)(1); and/or
  - b. Any other modification, except for substitution permitted by law, may only be made after consultation with and agreement of the prescriber or the prescriber's agent.
5. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of March 15, 2015, each violation constituting a minor misdemeanor, each punishable by a maximum penalty of \$150:
  - a. Guilty of dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2); and/or
  - b. Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(5).
6. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of September 29, 2017, April 8, 2019, and October 9, 2021, each violation constituting a minor misdemeanor, each punishable by a maximum penalty of \$150:
  - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and/or

- b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e); and/or
  - c. Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC 4729.16(A)(2)(l).
7. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of each of the following divisions of Rule 4729-5-04 of the OAC as effective April 28, 2016, each violation punishable by a maximum penalty of \$500:
- a. Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets, and violations such as failure to obey a red light, failure to use a turn signal or expired registration, OAC 4729-5-04(A); and/or
  - b. Violated, conspired to violate, attempted to violate, or aided and abetted in the violation of any of the provisions of Chapters 4729., 3715., 3719., and 2925. of the Revised Code, or any rule adopted by the board under those provisions, OAC 4729-5-04(B); and/or
  - c. Failed to conform to prevailing standards of care of similar pharmacists or pharmacy interns under the same or similar circumstances, whether or not actual injury to a patient is established, OAC 4729-5-04(L).
8. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective May 1, 2018, and March 20, 2020, each violation punishable by a maximum penalty of \$500:
- a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, OAC Rule 4729:1-4-01(B)(2)(b); and/or
  - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925., 3796., 3719. or 4752. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729:1-4-01(B)(2)(e); and/or
  - c. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations..., OAC Rule 4729:1-4-01(B)(2)(m); and/or
  - d. Failed to conform to prevailing standards of care of similar pharmacists under the same or similar circumstances, whether or not actual injury to a patient is established, OAC Rule 4729:1-4-01(B)(2)(p).

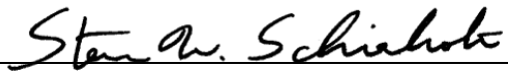
YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the State of Ohio Board of Pharmacy, if you request such a hearing within thirty (30) days of the date of the service of this notice.

**IF YOU DESIRE A HEARING**, such request shall either be mailed to the State of Ohio Board of Pharmacy, Attn: Legal, 77 South High Street, 17<sup>th</sup> Floor, Columbus, Ohio 43215-6126 or an e-mail request may be sent to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov) (please note faxes will not be accepted). **YOUR REQUEST MUST BE RECEIVED ON OR PRIOR TO THE 30<sup>TH</sup> DAY FOLLOWING THE SERVICE DATE OF THIS NOTICE.** Please note that if you submit a request via email, your request will be acknowledged within one business day of receipt. If you do not receive an acknowledgment, please contact the Board offices at 614-466-4143 and request the legal department. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

**YOU ARE FURTHER ADVISED** that if there is no request for such a hearing received by the Board on or prior to the 30<sup>th</sup> day following the service of this notice, the State of Ohio Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing, and may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division RC 4729.16(A).

If you have questions regarding the Chapter 119. Administrative Hearing process, please e-mail your questions to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov) or call the Board office at 614-466-4143 and ask for the legal department.

BY ORDER OF THE STATE BOARD OF PHARMACY

  
\_\_\_\_\_  
Steven W. Schierholt, Esq., Executive Director

SWS/alg/kll

Enclosure: Patient ID Key