



ORDER OF THE STATE BOARD OF PHARMACY

(Case Number A-2019-0327)

In The Matter Of:

Jennifer J. Colla, RPh
1813 Lealand Avenue
Youngstown, OH 44514
(License No. 03-122370)

-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: 09/10/2020

-MUST HAVE BOARD SEAL TO BE OFFICIAL-

INTRODUCTION

The Matter of Jennifer J. Colla came for hearing on August 31, 2020, before the following members of the State of Ohio Board of Pharmacy (Board): Jennifer M. Rudell, RPh, *Presiding*; Trina L. Buettner, RPh; Joshua M. Cox, RPh; N. Victor Goodman, *Public Member*; Megan E. Marchal, RPh; Donald R. Miller, RPh and Shawn C. Wilt, RPh.

Jennifer J. Colla was represented by Levi J. Tkach. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

The State called no witnesses.

Respondent's Witnesses:

1. Jennifer J. Colla, RPh—Respondent
2. Heather Bucy
3. Andy Pierron



State's Exhibits:

1. Notice Letter	07.16.2019
2. Request for Hearing	08.01.2019
3. Notice of Hearing	08.06.2019
4. Notice of Hearing	08.12.2020
5. Statement of Respondent	07.11.2019
6. Statement of Courtney Caraway	07.11.2019
7. Photographs	
8. Photographs	
9. Property Receipt	07.11.2019
10. DEA 106 Theft or Loss Report	07.17.2019
11. Board Accountability Statements	10.28.2019
12. Drug Screen Submission and Results of Respondent	Various
13. Statement of Keith Pauley, SR. (UNDER SEAL)	07.23.2019

Respondent's Exhibits:

A. Jennifer J. Colla's Resume	No Date
B. Respondent's Pharmacists Rehabilitation Organization Inc. Contract	11.14.2019

STIPULATIONS OF FACT

The Board adopts the Allegations as set forth in the July 16, 2019 Notice Letter in their entirety, as stipulated by the parties.

1. On or about July 11, 2019, Jennifer J. Colla was interviewed by agents from the Board regarding the theft of drugs from her employer, Rite Aid Pharmacy #3062, located at 2154 Elm Road NE, Warren, Ohio. Jennifer J. Colla made the following statements:
 - a. Jennifer J. Colla has been stealing drugs from her employer for approximately one year.
 - b. Jennifer J. Colla stole from her employer one to two times per week.
 - c. Jennifer J. Colla generally stole drugs from high quantity prescriptions (90-120 tablets).
 - d. Jennifer J. Colla was self-medicating with the stolen drugs due to body pain.
 - e. Jennifer J. Colla estimated she stole fifteen tablets in June 2019.
 - f. Jennifer J. Colla estimated she stole five to six tablets in July 2019.
 - g. Jennifer J. Colla stole one Percocet, 10mg tablet from her employer on July 10, 2019.

2. On or about July 11, 2019, during Jennifer J. Colla's interview with agents from the Board, she gave them a prescription bottle from her purse. The prescription bottle contained the following:
 - a. 7 tablets of alprazolam 0.25mg, a schedule IV controlled substance.
 - b. 2 tablets of ketorolac tromethamine 10mg, a non-controlled substance.
 - c. 1 tablet of phentermine hydrochloride 37.5mg., a schedule IV controlled substance.
 - d. 2 tablets of alprazolam .5mg, a schedule IV controlled substance.
 - e. 1 tablet of methylphenidate hydrochloride, a schedule II controlled substance.
 - f. 2 tablets of tramadol 50mg, a schedule IV controlled substance.
 - g. 2 tablets of tizanidine hydrochloride 2mg, a non-controlled substance.
 - h. 5 tablets of lorazepam 1mg, a schedule IV controlled substance.
 - i. 1 tablet tizanidine hydrochloride 4mg, a non-controlled substance.
 - j. 4 tablets of oxycodone/APAP 10/325mg, a schedule II controlled substance.
 - k. 1 tablet of acetaminophen/hydrocodone bitartrate 325/7.5mg, a schedule II controlled substance.
 - l. 2 tablets of acetaminophen/hydrocodone bitartrate 325/10mg, a schedule II controlled substance.
 - m. 2 tablets of acetaminophen/hydrocodone bitartrate 325/5mg, a schedule II controlled substance.
 - n. 1 tablet of modafinil 200mg, a schedule IV controlled substance.
 - o. 2 tablets of lorazepam 0.5mg, a schedule IV controlled substance.
 - p. 1 tablet of Focalin 10mg, a schedule II controlled substance.
 - q. 1 tablet of oxycodone 10mg, a schedule II controlled substance.
 - r. 1 tablet of amitriptyline hydrochloride 50mg, a non-controlled substance.
 - s. 1 tablet of Diclofenac sodium 75mg, a non-controlled substance.
 - t. 1 tablet of amphetamine and dextroamphetamine 20 mg, a schedule II controlled substance.
 - u. 1 tablet of cyclobenzaprine hydrochloride 5mg, a non-controlled substance.
 - v. 1 tablet of promethazine hydrochloride 12.5mg, a non-controlled substance.

- w. 1 tablet of hydrochlorothiazide 25mg, a non-controlled substance.
- x. 1 tablet of hydrochlorothiazide and triamterene 25/37.5mg, a non-controlled substance.
- y. 1 tablet of orphenadrine citrate extended release 100mg, a non-controlled substance.
- z. 1 tablet of venlafaxine hydrochloride extended release 225mg, a non-controlled substance.
- aa. 1 tablet of ketorolac tromethamine 10mg, a non-controlled substance.
- bb. 2 and 1 half tablets of alprazolam 2mg, a schedule IV controlled substance.
- cc. 1 tablet of oxycodone hydrochloride 30mg, a schedule II controlled substance.
- dd. 1 tablet of oxycodone hydrochloride 5mg, a schedule II controlled substance.
- ee. 1 tablet of cyclobenzaprine hydrochloride 10mg, a non-controlled substance.
- ff. 1 tablet of lorazepam 1mg, a schedule IV controlled substance.
- gg. 1 capsule of Lyrica 25mg, a schedule V controlled substance.
- hh. 1 capsule of amphetamine/dextroamphetamine extended release 25mg, a schedule II controlled substance.

3. On or about July 11, 2019, during Jennifer J. Colla's interview with agents from the Board, she gave the agents consent to search her purse. The purse contained the following:

- a. 1 tablet of Diclofenac sodium 75mg, a non-controlled substance.
- b. 1 tablet of oxycodone/APAP 10/325mg, a schedule II controlled substance.
- c. 1 tablet of oxycodone/APAP 7.5/325mg, a schedule II controlled substance.
- d. 1 tablet of oxycodone/APAP 7.5/325mg, a schedule II controlled substance.
- e. 1 tablet of acetaminophen/hydrocodone bitartrate 325/10mg, a schedule II controlled substance.
- f. 1 tablet of alprazolam 0.5mg, a schedule IV controlled substance.
- g. 1 tablet of amphetamine and dextroamphetamine 20mg, a schedule II controlled substance.
- h. 1 tablet of oxycodone hydrochloride 15mg, a schedule II controlled substance.
- i. 1 tablet of lorazepam 0.5mg, a schedule IV controlled substance.
- j. 1 tablet of cyclobenzaprine hydrochloride 10mg, a non-controlled substance.

k. 1 tablet of carisoprodol 350mg, a schedule IV controlled substance.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraphs (1)(g), (2)(e), (2)(j), (2)(k), (2)(l), (2)(m), (2)(p), (2)(q), (2)(t), (2)(cc), (2)(dd), (2)(hh), (3)(b), (3)(c), (3)(d), (3)(e), (3)(g), and (3)(h) of the Allegations Section, each constitutes a violation of Section 2925.11 of the ORC, aggravated possession of drugs, a felony of the fifth degree.
2. Such conduct as set forth in paragraphs (1)(e), (1)(f), and (1)(g) of the Allegations Section, each constitutes a violation of Section 2913.02 of the ORC, theft of a dangerous drug, a felony of the fourth degree.
3. Such conduct as set forth in paragraphs (2)(a), (2)(c), (2)(d), (2)(f), (2)(h), (2)(n), (2)(o), (2)(bb), (2)(ff), (2)(gg), (3)(f), (3)(i), and (3)(k) of the Allegations Section, each constitutes a violation of Section 2925.11 of the ORC, possession of drugs, a misdemeanor of the first degree..
4. Such conduct as set forth in paragraphs (2)(b), (2)(g), (2)(i), (2)(r), (2)(s), (2)(u), (2)(v), (2)(w), (2)(x), (2)(y), (2)(z), (2)(aa), (2)(ee), (3)(a), and (3)(j) of the Allegations Section, each constitutes a violation of Section 4729.51(E)(1)(c) of the ORC, no person shall possess dangerous drugs, effective as of April 6, 2017, a misdemeanor of the first degree.
5. Such conduct as set forth in the Allegations Section, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 6, 2017, each violation constituting a minor misdemeanor:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and
 - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter 3715.75 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
 - c. Engaged in any conduct for which the board may imposed discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(l).
6. Such conduct as set forth in paragraph (1)(d) of the Allegations Section, constitutes a violation of section 4729.16(A)(2)(c) of the ORC, is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, effective as of April 6, 2017, the violation constituting a minor misdemeanor.
7. Such conduct as set forth in the Allegations section, constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective April 30, 2018:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, OAC Rule 4729:1-4-01(B)(2)(b); and

- 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
- c. Committed acts that constitute moral turpitude that constitutes a misdemeanor or a felony in this state, regardless of the jurisdiction in which it was committed, OAC Rule 4729:1-4-01(B)(2)(l); and
- d. Violated any state or federal law, regulation 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 vehicle registration, OAC Rule 4729:1-4-01(B)(2)(m).

8. Such conduct as set forth in paragraph (1)(d) of the Allegations section, constitutes a violation of Rule 4729:1-4-01(B)(2)(c) of the OAC, is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, as effective April 30, 2018.

DECISION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order issued to Jennifer J. Colla on July 16, 2019.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist license No. 03-122370, held by Jennifer J. Colla, and such suspension is effective as of the date of the mailing of this Order.

Jennifer J. Colla, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

Further, no sooner than one year from the date of this Order, the Board will consider any petition filed by Jennifer J. Colla for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

1. Jennifer J. Colla must maintain a current address with the Board throughout the duration of the suspension.
2. Jennifer J. Colla 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. Jennifer Colla 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 Jennifer Colla 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 Glucoronide (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 Jennifer J. Colla 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. 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.
- g. 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.
- h. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

3. Jennifer J. Colla 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 Jennifer J. Colla reappear before the Board for possible additional sanctions, including and up to revocation of license.

4. Jennifer J. Colla shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of suspension. The Board shall treat any such refusal as a violation of the Board's Order and request Jennifer J. Colla reappear before the Board for possible additional sanctions, including and up to revocation of license.

5. Jennifer J. Colla must immediately report any violation of the terms of this suspension to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject Jennifer J. Colla to possible additional sanctions, including and up to revocation of license.

6. Jennifer J. Colla must demonstrate satisfactory proof to the Board that she is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.
7. Jennifer J. Colla must provide, in the reinstatement petition, documentation of the following:
 - a. Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug and alcohol screen reports, meeting attendance records, treatment program reports, etc.);
 - b. Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
 - c. Compliance with the terms of this Order.
8. If reinstatement is not accomplished within **three years** of the date of the summary suspension, July 16, 2019,, Jennifer J. Colla must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) and the Multistate Pharmacy Jurisprudence Exam (MPJE), or an equivalent examination(s) approved by the Board.
9. Any reinstatement shall not occur until such time as any criminal intervention in lieu of conviction has been successfully completed.
10. Violation of any term of suspension, including but not limited to any violation of the contract signed with the ODMHAS or other approved treatment provider may result in additional action before the Board up to and including revocation of Jennifer Colla's pharmacy license.
11. Any violation of Chapters 2925., 3715., 3719., 4729., of the Ohio Revised Code, any administrative code violation or a violation of any other state or federal law will be considered a violation of this Order resulting in a hearing before the Board and may also result in criminal and/or administrative charges.
12. If Jennifer J. Colla's employment is related to the practice of pharmacy, Jennifer J. Colla must notify employer of the terms of Jennifer J. Colla's suspension and this Board's Order.
13. Failure to complete the terms set forth in this Board's Order, or to petition for reinstatement within five years of the date of this Order, will result in the Board issuing a notice of opportunity for hearing to consider additional disciplinary action, including and up to revocation of Jennifer J. Colla's license.

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: 13.

Shawn C. Wilt moved for Conclusions of Law; Donald R. Miller seconded the motion. Motion passed (Aye-6/Nay-0).

Shawn C. Wilt moved for Action of the Board; Megan E. Marchal seconded the motion. Motion passed (Aye-6/Nay-0).

SO ORDERED.

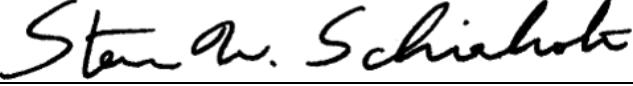
It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

TIME AND METHOD TO PERFECT AN APPEAL

Any party desiring to appeal shall file a Notice of Appeal with the State of Ohio Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, OH 43215, setting forth the order appealed from and stating that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The notice of appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The Notice of Appeal shall also be filed by the appellant in the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident. If the appellant is not a resident of and has no place of business in this state, the party may appeal to the court of common pleas of Franklin county. Such notices of appeal shall be filed within fifteen (15) days after the mailing of the notice of the State of Ohio Board of Pharmacy's Order as provided in Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: September 10, 2020

By: 
Steven W. Schierholt, Esq., Executive Director

SWS/jak/kll

CMRRR: 7020 1290 0001 7926 0169

Cc: Levi J. Tkach, attorney for respondent, via e-mail: levi@grafflaw.com



STATE OF
OHIO
BOARD OF PHARMACY

SUMMARY SUSPENSION/NOTICE OF OPPORTUNITY FOR HEARING

IN THE MATTER OF:

CASE NO. A-2019-0327

Jennifer J. Colla, RPh
1813 Lealand Avenue
Youngstown, OH 44514

SUSPENDED License No. 03-119249

-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, Esq.
Steven W. Schierholt, Esq., Executive Dir.

Date: 16 JUL 2019

-MUST HAVE BOARD SEAL TO BE OFFICIAL

July 16, 2019

Dear Ms. Jennifer J. Colla, RPh:

You are hereby notified, in accordance with Section 119.07 of the Revised Code, the State of Ohio Board of Pharmacy (Board) hereby SUMMARILY SUSPENDS your Ohio license as a pharmacist, License No. 03-119249, under authority of Sections 3719.121 and 4729.16 of the Revised Code.

PURSUANT TO SECTION 3719.121(B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO IS SUSPENDED. SECTION 4729.16(B) OF THE ORC REQUIRES THAT YOU RETURN YOUR LICENSE TO THE OFFICE OF THE BOARD WITHIN 10 DAYS OF RECEIPT OF THIS NOTICE.

PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY. THIS SUSPENSION SHALL REMAIN IN EFFECT UNTIL A FINAL ADJUDICATION ORDER BECOMES EFFECTIVE, DURING WHICH TIME YOU MAY NOT ENGAGE IN THE PRACTICE OF PHARMACY.

JURISDICTION

1. Records of the Board indicate you are currently licensed to practice pharmacy in the State of Ohio under license number 03-119249.
2. The Board has the authority to pursue a summary suspension of a pharmacist's license pursuant to Section 3719.121 and discipline of a pharmacist license pursuant to Section 4729.16 of the Ohio Revised Code (ORC).
3. The Board may suspend the license of a pharmacist if there is clear and convincing evidence that continuation of the person's professional practice or method of administering, prescribing, preparing, distributing, dispensing, or personally furnishing controlled substances or other dangerous drugs presents a danger of immediate and serious harm to others. ORC Section 3719.121(B).

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



T: (614) 466.4143 | F: (614) 752.4836 | contact@pharmacy.ohio.gov | www.pharmacy.ohio.gov

ALLEGATIONS

1. On or about July 11, 2019, you were interviewed by agents from the Board regarding the theft of drugs from your employer, Rite Aid Pharmacy #3062, located at 2154 Elm Road NE, Warren, Ohio. You made the following statements:
 - a. You have been stealing drugs from your employer for approximately one year.
 - b. You stole from your employer one to two times per week.
 - c. You generally stole drugs from high quantity prescriptions (90-120 tablets).
 - d. You were self-medicating with the stolen drugs due to body pain.
 - e. You estimated you stole fifteen tablets in June 2019.
 - f. You estimated you stole five to six tablets in July 2019.
 - g. You stole one Percocet, 10mg tablet from you employer on July 10, 2019.
2. On or about July 11, 2019, during your interview with agents from the Board, you gave them a prescription bottle from your purse. The prescription bottle contained the following:
 - a. 7 tablets of alprazolam 0.25mg, a schedule IV controlled substance.
 - b. 2 tablets of ketorolac tromethamine 10mg, a non-controlled substance.
 - c. 1 tablet of phentermine hydrochloride 37.5mg., a schedule IV controlled substance.
 - d. 2 tablets of alprazolam .5mg, a schedule IV controlled substance.
 - e. 1 tablet of methylphenidate hydrochloride, a schedule II controlled substance.
 - f. 2 tablets of tramadol 50mg, a schedule IV controlled substance.
 - g. 2 tablets of tizanidine hydrochloride 2mg, a non-controlled substance.
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 - i. 1 tablet tizanidine hydrochloride 4mg, a non-controlled substance.
 - j. 4 tablets of oxycodone/APAP 10/325mg, a schedule II controlled substance.
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- w. 1 tablet of hydrochlorothiazide 25mg, a non-controlled substance.
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 - ee. 1 tablet of cyclobenzaprine hydrochloride 10mg, a non-controlled substance.
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3. On or about July 11, 2019, during your interview with agents from the Board, you gave the agents consent to search your purse. The purse contained the following:

- a. 1 tablet of Diclofenac sodium 75mg, a non-controlled substance.
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- i. 1 tablet of lorazepam 0.5mg, a schedule IV controlled substance.
- j. 1 tablet of cyclobenzaprine hydrochloride 10mg, a non-controlled substance.
- k. 1 tablet of carisoprodol 350mg, a schedule IV controlled substance.

POTENTIAL VIOLATIONS OF LAW

- 1. Such conduct as set forth in paragraphs (1)(g), (2)(e), (2)(j), (2)(k), (2)(l), (2)(m), (2)(p), (2)(q), (2)(t), (2)(cc), (2)(dd), (2)(hh), (3)(b), (3)(c), (3)(d), (3)(e), (3)(g), and (3)(h) of the Allegations Section, if proven, each constitutes a violation of Section 2925.11 of the ORC, aggravated possession of drugs, a felony of the fifth degree, each violation punishable by a maximum fine of \$2,500.
- 2. Such conduct as set forth in paragraphs (1)(e), (1)(f), and (1)(g) of the Allegations Section, if proven, each constitutes a violation of Section 2913.02 of the ORC, theft of a dangerous drug, a felony of the fourth degree, each violation punishable by a maximum fine of \$5,000.
- 3. Such conduct as set forth in paragraphs (2)(a), (2)(c), (2)(d), (2)(f), (2)(h), (2)(n), (2)(o), (2)(bb), (2)(ff), (2)(gg), (3)(f), (3)(i), and (3)(k) of the Allegations Section, if proven, each constitutes a violation of Section 2925.11 of the ORC, possession of drugs, a misdemeanor of the first degree, each violation punishable by a maximum fine of \$1,000.
- 4. Such conduct as set forth in paragraphs (2)(b), (2)(g), (2)(i), (2)(r), (2)(s), (2)(u), (2)(v), (2)(w), (2)(x), (2)(y), (2)(z), (2)(aa), (2)(ee), (3)(a), and (3)(j) of the Allegations Section, if proven, each constitutes a violation of Section 4729.51(E)(1)(c) of the ORC, no person shall possess dangerous drugs, effective as of April 6, 2017, a misdemeanor of the first degree, each violation punishable by a maximum fine of \$1,000.

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 April 6, 2017, 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 3715.75 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 conduct for which the board may imposed discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(l).
6. Such conduct as set forth in paragraph (1)(d) of the Allegations Section, if proven, constitutes a violation of section 4729.16(A)(2)(c) of the ORC, is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, effective as of April 6, 2017, the violation constituting a minor misdemeanor, punishable by a maximum penalty of \$150
7. Such conduct as set forth in the Allegations section, if proven, constitutes a violation of each of the following divisions of Rule 4729:1-4-01(B)(2) of the OAC as effective April 30, 2018, 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. Committed acts that constitute moral turpitude that constitutes a misdemeanor or a felony in this state, regardless of the jurisdiction in which it was committed, OAC Rule 4729:1-4-01(B)(2)(l); and/or
 - d. Violated any state or federal law, regulation 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 vehicle registration, OAC Rule 4729:1-4-01(B)(2)(m).
8. Such conduct as set forth in paragraph (1)(d) of the Allegations section, if proven, constitutes a violation of Rule 4729:1-4-01(B)(2)(c) of the OAC, is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, as effective April 30, 2018, each violation punishable by a maximum penalty of \$500.

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 mailing 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, 17th Floor, Columbus, Ohio 43215-6126 or an e-mail request may be sent to legal@pharmacy.ohio.gov (please note faxes will not be accepted). **YOUR REQUEST MUST BE RECEIVED ON OR PRIOR TO THE 30TH DAY FOLLOWING THE MAILING 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 30th day following the mailing of this notice, the Ohio State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

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

BY ORDER OF THE STATE OF OHIO BOARD OF PHARMACY



Steven W. Schierholt, Esq., Executive Director

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