

IN THE MATTER OF:

CASE NO. A-2022-0105

Lap Pan Chu, RPh
8940 Sycamore Trail
Sylvania, OH 43560

License No. 03-127308

SETTLEMENT AGREEMENT WITH THE OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the Ohio Board of Pharmacy (Board) and Lap Pan Chu, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of Lap Pan Chu's Michigan Board of Pharmacy discipline, and dispensing practices, record keeping and minimum standards violations at Lap Pan Chu's Anson Pharmacy location (Perrysburg, OH). Together, the Board and Lap Pan Chu 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. Lap Pan Chu is a licensed pharmacist in the state of Ohio under license number 03-127308.

FACTS

1. The Board initiated an investigation of Lap Pan Chu, pharmacist license number 03-127308 related to Lap Pan Chu's Michigan Board of Pharmacy discipline, and dispensing practices, record keeping and minimum standards violations at Lap Pan Chu's Anson Pharmacy location (Perrysburg, OH).
2. On or about March 6, 2024, the Board sent a Notice of Opportunity for Hearing to Lap Pan Chu, 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 March 22, 2024, Lap Pan Chu, through counsel, Levi Tkach, timely requested an administrative hearing, which was subsequently scheduled for November 12, 2024.

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. Lap Pan Chu neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated March 6, 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. Lap Pan Chu will be placed on a five-year term of probation, beginning the effective date of this agreement.
4. Terms of probation, applicable to Lap Pan Chu's practice of pharmacy in Ohio, are as follows:
 - a. The Ohio Board of Pharmacy hereby declares that Lap Pan Chu'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.
 - b. Lap Pan Chu's license is deemed not in good standing, as a matter of law, until successful completion of the probationary period.
 - c. Lap Pan Chu may only serve as the responsible pharmacist at Anson Pharmacy (TDDD 022861200), located at 209 Bierley Avenue, Pemberville, Ohio 43450, unless approved by the Board.
 - d. Lap Pan Chu may not serve as a designated representative in a dispensary or for home medical equipment.
 - e. Lap Pan Chu may not engage in a consult agreement, unless approved by the Board.
 - f. Lap Pan Chu may not destroy, assist in, or witness the destruction of controlled substances.
 - g. Lap Pan Chu must not violate the drug laws of Ohio, any other state, or the federal government.
 - h. Lap Pan Chu must abide by the rules of the State of Ohio Board of Pharmacy.
 - i. Lap Pan Chu must comply with the terms of this Agreement.

5. Lap Pan Chu 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.
6. Lap Pan Chu must immediately report any violation of the terms of this probation 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 Lap Pan Chu to possible additional sanctions, including and up to revocation of license.
7. 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 Lap Pan Chu's license.
8. Periods during which Lap Pan Chu 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 Lap Pan Chu.
9. Lap Pan Chu agrees to pay to the Board a monetary penalty in the amount of \$5,000.00. This fine will be attached to Lap Pan Chu'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.license.ohio.gov and process the items in the cart.
10. Lap Pan Chu must obtain 12 hours of approved continuing pharmacy education (1.2 CEUs), which may not also be used for license renewal. The 1.2 CEUs must be completed within 180 days from the effective date of this agreement. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
11. Lap Pan Chu must attend the Board's "Responsible Person 101" Roundtable continuing education course. The Roundtable must be completed within 180 days from the effective date of this Agreement. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
12. The Board hereby imposes a written reprimand on Lap Pan Chu's pharmacist license, number 03-127308.
13. Lap Pan Chu agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
14. Lap Pan Chu understands that he has the right to be represented by counsel for review and execution of this agreement.
15. Lap Pan Chu 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.

16. Lap Pan Chu 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.
17. 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.
18. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
19. 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.
20. 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.
21. 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:



Lap Pan Chu, RPh, Respondent



Levi Tkach, Attorney for Respondent



Mindy Ferris, RPh, President,
Ohio Board of Pharmacy

10/29/24

Date of Signature



Date of Signature

11.04.2024

Date of Signature



**STATE OF
OHIO**
BOARD OF PHARMACY

-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: Mar 06, 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-2022-0105

Lap Pan Chu, RPh
8940 Sycamore Trail
Sylvania, OH 43560

License No. 03-127308

March 6, 2024

Dear Lap Pan Chu, RPh:

You are hereby 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 Section 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 April 6, 2023) 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 penalty 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 4729:1-4-01 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 | www.pharmacy.ohio.gov



3. Lap Pan Chu is a licensed pharmacist in the state of Ohio under license number 03-127308 who was the owner and Responsible Person of Anson Pharmacy (TDDD 02-2861200), previously located at 25684 Dixie Highway, Perrysburg, Ohio.

ALLEGATIONS

1. You were the owner and/or responsible person of Anson Pharmacy (TDDD 02-2861200), previously located at 25684 Dixie Highway, Perrysburg, Ohio, during the time of the conduct outlined in this Notice.
2. On August 22, 2019, the Board conducted an inspection and audit of Anson Pharmacy (Perrysburg). The inspection, audit, and subsequent investigation revealed multiple violations occurring from on or about January 1, 2017, through on or about August 22, 2019, which include, but are not limited to, the following:
 - a. You failed to maintain a positive identification record of the pharmacist responsible for performing all activities related to the practice of pharmacy, including dispensing and providing patient counseling. You were responsible for approximately 70% of dispensing days occurring between January 1, 2017, to August 30, 2019. During this time, you failed to print and sign 272 end of day reports or other means to document positive identification of the dispensing pharmacist.
 - b. You failed to initial and date prescriptions dispensed pursuant to an original prescription. The pharmacy was not approved by the Board to enter a positive identification signature into the computerized record system.
 - c. You returned dispensed prescriptions which never left the pharmacy to manufacturer stock bottles.
 - d. You transferred dangerous drug stock and controlled substances between Anson Pharmacy locations and failed to use DEA 222 forms for schedule-II controlled substance medication wholesale sales or transfers to other locations.
 - e. You failed to designate or conduct an annual controlled substance inventory.
 - f. You failed to maintain accurate records of controlled substances received, dispensed, sold, used, and/or destroyed. On August 22, 2019, the Board conducted an inventory audit of controlled substances purchased, dispensed, returned, destroyed, or used by Anson Pharmacy. The audit for schedule-II controlled substances encompassed January 5, 2017 through August 22, 2019; the audit for schedule III-V medications encompassed April 6, 2017 through August 22, 2019. The audit revealed multiple overages and shortages, which includes but is not limited to, significant losses equal to or exceeding bulk amount for nine (9) controlled substances, as set forth in Attachment A, p1, attached hereto and incorporated as though fully set forth herein.
 - g. You failed to maintain accurate records of all dangerous drugs received, administered, dispensed, distributed, sold, destroyed or used, as evidenced by the discrepancies observed during the Board's inventory audit conducted on August 22, 2019.

- h. From on or about January 1, 2017, through on or about August 27, 2019, you failed to perform proper Drug Utilization Review (DUR) for patients receiving controlled substance prescriptions:
 - i. You failed to identify instances of overutilization, therapeutic duplication, misuse/abuse, and/or inappropriate duration of treatment for controlled substance prescriptions, as set forth in Attachment A, p2, attached hereto and incorporated as though fully set forth herein;
 - ii. You regularly failed to request or review Ohio Automated Rx Reporting System (OARRS) reports when patients added a different or new reported drug to their therapy, at least every 12-months, when prescribers or patients were outside the pharmacy geographic area, when patients received reported drugs from more than one prescriber in the preceding three months, and/or when patients exhibited potential signs of abuse or diversion.
3. On or about October 4, 2018, the Michigan Board of Pharmacy summarily suspended your license to practice pharmacy. The administrative complaint was based on your inappropriate controlled substance dispensing practices. On or about February 13, 2019, you entered into a Consent Order and Stipulation with the Michigan Board of Pharmacy where the summary suspension was dissolved, your license was suspended for a period of six (6) months and one (1) day, and you were fined \$10,000.00, along with other terms and conditions. As of the date of this Notice, your Michigan license remains suspended.

POTENTIAL VIOLATIONS OF LAW

1. Such conduct as set forth in the Allegations section, if proven, constitutes a violation of each of the following divisions of Rule 4729:5-2-01 of the OAC, as effective March 1, 2019, Responsible Person – Terminal Distributor, each violation punishable by a maximum penalty of \$500:
 - a. The responsible person shall be responsible for the practice of the profession of pharmacy, including, but not limited to, the supervision and control of dangerous drugs as required in division (B) of section 4729.55 of the Revised Code, adequate safeguards as required in division (C) of section 4729.55 of the Revised Code, security and control of dangerous drugs and maintaining all drug records otherwise required, OAC 4729:5-2-01(A)(2); and/or
 - b. The person to whom the terminal distributor of dangerous drugs license has been issued and all pharmacists on duty are responsible for compliance with all state and federal laws, regulations, and rules governing the distribution of drugs and the practice of pharmacy, OAC 4729:5-2-01(A)(3); and/or
 - c. Unless otherwise approved by the board, a terminal distributor shall not have a responsible person who has been the subject of any of the following by the drug enforcement administration or licensing agency of any state or jurisdiction:
 - i. A disciplinary action that resulted in the suspension, probation, surrender or revocation of the person's license or registration, OAC 4729:5-2-01(F)(12)(a); and/or
 - ii. 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 4729:5-2-01(F)(12)(b).

2. Such conduct as set forth in the Allegations section, if proven, constitutes a violation of each of the following divisions of Rule 4729-5-11 of the OAC, as effective February 17, 2017, Responsible Person, each violation punishable by a maximum penalty of \$500:

- a. The responsible person shall be responsible for the practice of the profession of pharmacy, including, but not limited to, the supervision and control of dangerous drugs as required in division (B) of section 4729.55 of the Revised Code, adequate safeguards as required in division (C) of section 4729.55 of the Revised Code, security and control of dangerous drugs as required in rule 4729-9-11 of the Administrative Code and maintaining all drug records otherwise required, OAC 4729-5-11(A)(2); and/or
- b. The person to whom the terminal distributor of dangerous drugs license has been issued and all pharmacists on duty are responsible for compliance with all state and federal laws, regulations, and rules regulating governing the distribution of drugs and the practice of pharmacy, OAC 4729-5-11(A)(3); and/or
- c. Unless otherwise approved by the Board, no responsible person for locations licensed as a pharmacy shall:
 - i. Have been the subject of any of the following by the drug enforcement administration or licensing agency of any state or jurisdiction:
 1. A disciplinary action that resulted in the suspension or revocation of the pharmacist's license or registration, OAC 4729-5-11(A)(4)(b)(i); and/or
 2. A disciplinary action that was based, in whole or in part, on the pharmacist's inappropriate prescribing, dispensing, diverting, administering, storing, compounding, supplying or selling a controlled substance or other dangerous drug, OAC 4729-5-11(A)(4)(b)(ii).

3. Such conduct as set forth in paragraphs (2)(a) and (2)(b), of the Allegations section, if proven, constitutes a violation of each of the following divisions of Rule 4729-5-27 of the OAC, as effective January 20, 2015, Record keeping, each violation punishable by a maximum penalty of \$500:

- a. There must be positive identification of the pharmacist or pharmacists responsible for performing all activities relating to the practice of pharmacy including, but not limited to:
 - i. Prescription information entered into the record keeping system, OAC 4729-5-27(A)(1); and/or
 - ii. Prospective drug utilization review, OAC 4729-5-27(A)(2); and/or
 - iii. Dispensing, OAC 4729-5-27(A)(3); and/or
 - iv. Patient counseling, OAC 4729-5-27(A)(4); and/or

- v. Prescription information reduced to writing from an order received by telephone, facsimile, or recording device, OAC 4729-5-27(A)(6).
- b. Hard copy documentation as required pursuant to paragraph (F)(1) of this rule must be provided by each individual pharmacist who makes use of such system by one of the following methods:
 - i. A hard copy printout of each day's prescription refill data that shall include, at a minimum, the following data:
 - 1. Date of dispensing, OAC 4729-5-27(I)(1)(a); and/or
 - 2. Prescription number, OAC 4729-5-27(I)(1)(b); and/or
 - 3. Patient name, OAC 4729-5-27(I)(1)(c); and/or
 - 4. Name, strength (if applicable), and quantity of drug, OAC 4729-5-27(I)(1)(d); and/or
 - 5. Identification of pharmacy and pharmacist, OAC 4729-5-27(I)(1)(e); and/or
 - 6. Identification of controlled substances, OAC 4729-5-27(I)(1)(f).
- 4. Such conduct as set forth in paragraph (2)(c) of the Allegations section, if proven, constitutes a violation of Rule 4729-5-14(B)(4) of the OAC, as effective September 15, 2017, Return to stock in a pharmacy - The contents of a prescription vial or container shall not be returned to the manufacturer's stock bottle, each violation punishable by a maximum penalty of \$500.
- 5. Such conduct as set forth in paragraphs (2)(a), (2)(b), (2)(h)(i), and (2)(h)(ii), of the Allegations section, if proven, constitutes a violation of each of the following divisions of Rule 4729-5-21 of the OAC, as effective January 20, 2015, Manner of processing a prescription, each violation punishable by a maximum penalty of \$500:
 - a. A prescription, to be valid, must be issued for a legitimate medical purpose by an individual prescriber acting in the usual course of his/her professional practice. The responsibility for the proper prescribing is upon the prescriber, but a corresponding responsibility rests with the pharmacist who dispenses the prescription. An order purporting to be a prescription issued not in the usual course of bona fide treatment of a patient is not a prescription and the person knowingly dispensing such a purported prescription, as well as the person issuing it, shall be subject to the penalties of law, OAC 4729-5-21(A); and/or
 - b. A pharmacist when dispensing a prescription must:
 - i. Ensure that patient information is profiled pursuant to rule 4729-5-18 of the Administrative Code, OAC 4729-5-21(B)(1); and/or
 - ii. Perform prospective drug utilization review pursuant to rule 4729-5-20 of the Administrative Code, OAC 4729-5-21(B)(2); and/or

- c. When a pharmacist dispenses a drug pursuant to an original prescription, he/she must record the date of such dispensing and either manually record his/her name or initials on the original prescription or, if approved by the state board of pharmacy, enter his/her positive identification into the computerized record keeping system pursuant to rule 4729-5-27 of the Administrative Code. If an alternate record keeping system is being used pursuant to rule 4729-5-27 of the Administrative Code, the record of dispensing must also be recorded in the alternate record keeping system, OAC 4729-5-21(C)(2).
- 6. Such conduct as set forth in paragraphs (2)(a), (2)(b), (2)(d), (2)(e), and (2)(f) of the Allegations section, if proven, constitutes a violation of each of the following divisions of Rule 4729-9-14 of the OAC, as effective May 12, 2017, Records of controlled substances, each violation punishable by a maximum penalty of \$500:
 - a. Each prescriber or terminal distributor of dangerous drugs shall keep a record of all controlled substances received, administered, personally furnished, dispensed, sold, destroyed, or used. The acts of prescribing, administering, dispensing, and destroying of a controlled substance must be documented with the positive identification of the responsible individual pursuant to paragraph (N) of rule 4729-5-01 of the Administrative Code. These records may be kept electronically if the method is approved by the state board of pharmacy and the records are backed-up each business day, OAC 4729-9-14(A); and/or
 - b. Each prescriber or terminal distributor of dangerous drugs shall take a new inventory of all stocks of controlled substances on hand every year following the date on which the initial inventory is taken, OAC 4729-9-14(B)(4).
- 7. Such conduct as set forth in paragraphs (2)(a), (2)(b), (2)(d), (2)(e), and (2)(f) of the Allegations section, if proven, constitutes a violation of each of the following divisions of Rule 4729-9-14 of the OAC as effective January 1, 2015, Record of controlled substances, each violation punishable by a maximum penalty of \$500:
 - a. Each prescriber or terminal distributor of dangerous drugs shall keep a record of all controlled substances received, administered, dispensed, sold, destroyed, or used. The acts of prescribing, administering, dispensing, and destroying of a controlled substance must be documented with the positive identification of the responsible individual pursuant to paragraph (N) of rule 4729-5-01 of the Administrative Code. These records may be kept electronically if the method is approved by the state board of pharmacy and the records are backed-up each business day, OAC 4729-9-14(A); and/or
 - b. Each prescriber or terminal distributor of dangerous drugs shall take a new inventory of all stocks of controlled substances on hand every year following the date on which the initial inventory is taken, OAC 4729-9-14(B)(4).
- 8. Such conduct as set forth in paragraphs (2)(a), (2)(b), and (2)(g) of the Allegations section, if proven, constitutes a violation of Rule 4729-9-22 of the OAC, as effective May 12, 2017, Records of dangerous drugs, each violation punishable by a maximum penalty of \$500:
 - a. Each prescriber or terminal distributor of dangerous drugs shall keep a record of all dangerous drugs received, administered, dispensed, personally furnished, distributed, sold, destroyed, or used. The acts of prescribing, administering, dispensing, and destroying of a dangerous drug must

be documented with the positive identification of the responsible individual pursuant to paragraph (N) of rule 4729-5-01 of the Administrative Code. These records may be kept electronically if the method is approved by the state board of pharmacy and the records are backed-up each business day, OAC 4729-9-22.

9. Such conduct as set forth in paragraphs (2)(d), (2)(e), (2)(f), and (2)(g) of the Allegations section, if proven, constitutes a violation of each of the following divisions of Rule 4729-9-05 of the OAC, as effective September 15, 2017, Security requirements, each violation punishable by a maximum penalty of \$500:

- a. All licensees and registrants shall provide effective and approved controls and procedures to deter and detect theft and diversion of dangerous drugs. In order to determine whether a licensee or registrant has provided effective and approved controls against diversion, the state board of pharmacy shall use the security requirements set forth in rule 4729-9-11 of the Administrative Code as standards for the security controls and operating procedures necessary to deter and detect diversion, OAC 4729-9-05(A).

10. Such conduct as set forth in paragraphs (2)(h)(i) and (2)(h)(ii) of the Allegations section, if proven, constitutes a violation of each of the following divisions of Rule 4729-5-20 of the OAC, as effective February 1, 2016, Prospective drug utilization review, each violation punishable by a maximum penalty of \$500:

- a. Prior to dispensing any prescription, a pharmacist shall review the patient profile for the purpose of identifying:
 - i. Over-utilization or under-utilization, OAC 4729-5-20(A)(1); and/or
 - ii. Therapeutic duplication, OAC 4729-5-20(A)(2); and/or
 - iii. Abuse/misuse, OAC 4729-5-20(A)(7); and/or
 - iv. Inappropriate duration of drug treatment, OAC 4729-5-20(A)(8).
- b. Upon recognizing any of the above, a pharmacist, using professional judgment, shall take appropriate steps to avoid or resolve the potential problem. These steps may include requesting and reviewing an OARRS report or another state's report, pursuant to paragraph (D) of this rule, if applicable and available, and/or consulting with the prescriber and/or counseling the patient, OAC 4729-5-20(B); and/or
- c. Prior to dispensing an outpatient prescription for a reported drug as listed in rule 4729-37-02 of the Ohio Administrative Code, at a minimum, a pharmacist shall request and review an OARRS report covering at least a one year time period, including a border state's information when the pharmacist is practicing in a county bordering another state if that state's information is available, in any of the following circumstances:
 - i. A patient adds a different or new reported drug to their therapy that was not previously included, OAC 4729-5-20(D)(1); and/or

- ii. An OARRS report has not been reviewed for that patient during the preceding 12 months, as indicated in the patient profile, OAC 4729-5-20(D)(2); and/or;
- iii. A prescriber is located outside the usual pharmacy geographic area, OAC 4729-5-20(D)(3); and/or
- iv. A patient is from outside the usual pharmacy geographic area, OAC 4729-5-20(D)(4); and/or
- v. A pharmacist has reason to believe the patient has received prescriptions for reported drugs from more than one prescriber in the preceding 3 months, unless the prescriptions are from prescribers who practice at the same physical location, OAC 4729-5-20(D)(5); and/or
- vi. Patient is exhibiting signs of potential abuse or diversion. This includes, but is not limited to, over-utilization, early refills, appears overly sedated or intoxicated upon presenting a prescription for a reported drug, or an unfamiliar patient requesting a reported drug by specific name, street name, color, or identifying marks, OAC 4729-5-20(D)(6).

d. A prescription, to be valid, must be issued for a legitimate medical purpose by an individual prescriber acting in the usual course of his/her professional practice. The responsibility for the proper prescribing is upon the prescriber, but a corresponding responsibility rests with the pharmacist who dispenses the prescription. Based upon information obtained during prospective drug utilization review, a pharmacist shall use professional judgment when making a determination about the legitimacy of a prescription. A pharmacist is not required to dispense a prescription of doubtful, questionable, or suspicious origin, OAC 4729-5-20(G).

11. Such conduct as set forth in paragraphs (2)(h)(i) and (2)(h)(ii) of the Allegations section, if proven, constitutes a violation of each of the following divisions of Rule 4729-5-20 of the OAC as effective March 1, 2017, Prospective drug utilization review, each violation punishable by a maximum penalty of \$500:

- a. Prior to dispensing any prescription, a pharmacist shall review the patient profile for the purpose of identifying:
 - i. Over-utilization or under-utilization, OAC 4729-5-20(A)(1); and/or
 - ii. Therapeutic duplication, OAC 4729-5-20(A)(2); and/or
 - iii. Abuse/misuse, OAC 4729-5-20(A)(7); and/or
 - iv. Inappropriate duration of drug treatment, OAC 4729-5-20(A)(8); and/or
- b. Upon identifying any issue listed in paragraph (A) of this rule, a pharmacist, using professional judgment, shall take appropriate steps to avoid or resolve the potential problem. These steps may include requesting and reviewing an OARRS report or another state's report, pursuant to paragraph (D) of this rule, if applicable and available, and/or consulting with the prescriber and/or counseling the patient, OAC 4729-5-20(B); and/or

c. Prior to dispensing an outpatient prescription for a reported drug as listed in rule 4729-37-02 of the Ohio Administrative Code, at a minimum, a pharmacist shall request and review an OARRS report covering at least a one year time period, including a border state's information when the pharmacist is practicing in a county bordering another state if that state's information is available, in any of the following circumstances:

- i. A patient adds a different or new reported drug to their therapy that was not previously included, OAC 4729-5-20(D)(1); and/or
- ii. An OARRS report has not been reviewed for that patient during the preceding twelve months, as indicated in the patient profile, OAC 4729-5-20(D)(2); and/or
- iii. A prescriber is located outside the usual pharmacy geographic area, OAC 4729-5-20(D)(3); and/or
- iv. A patient is from outside the usual pharmacy geographic area, OAC 4729-5-20(D)(4); and/or
- v. A pharmacist has reason to believe the patient has received prescriptions for reported drugs from more than one prescriber in the preceding three months, unless the prescriptions are from prescribers who practice at the same physical location, OAC 4729-5-20(D)(5); and/or
- vi. Patient is exhibiting signs of potential abuse or diversion. This includes, but is not limited to, over-utilization, early refills, appears overly sedated or intoxicated upon presenting a prescription for a reported drug, or an unfamiliar patient requesting a reported drug by specific name, street name, color, or identifying marks, OAC 4729-5-20(D)(6); and/or

d. A prescription, to be valid, must be issued for a legitimate medical purpose by an individual prescriber acting in the usual course of his/her professional practice. The responsibility for the proper prescribing is upon the prescriber, but a corresponding responsibility rests with the pharmacist who dispenses the prescription. Based upon information obtained during a prospective drug utilization review, a pharmacist shall use professional judgment when making a determination about the legitimacy 4729-5-20 2 of a prescription. A pharmacist is not required to dispense a prescription of doubtful, questionable, or suspicious origin, OAC 4729-5-20(G).

12. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following divisions of section 4729.16(A) of the ORC effective as of September 29, 2017, and April 8, 2019, 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(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, 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)(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 Section 4729.16(A)(2)(l).

13. 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, 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 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); and/or
- d. Has been the subject of any of the following by the drug enforcement administration or licensing agency of any state or jurisdiction:
 - a. A disciplinary action that resulted in the suspension, probation, surrender or revocation of the person's license or registration, OAC Rule 4729:1-4-01(B)(2)(o)(i); and/or
 - b. 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 4729:1-4-01(B)(2)(o)(ii); and/or
 - e. 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).

14. Such conduct as set forth in the Allegations section, if proven, 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, OAC Rule 4729-5-04(A); and/or
- b. Violated...any of the provisions of Chapters 4729...of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729-5-04(B).

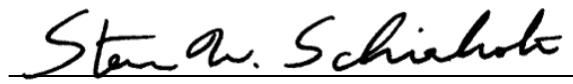
YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the State of Ohio Board of Pharmacy, if you request such a hearing within thirty 30 days of the date of the service of this notice.

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, 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 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 30th 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 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/zas/kll

Encl: Attachment A – Charts;
Patient Identifier Key.



**STATE OF
OHIO**
BOARD OF PHARMACY

-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: 11/16/2021

-MUST HAVE BOARD SEAL TO BE OFFICIAL-

ORDER OF THE STATE BOARD OF PHARMACY
(Case Number A-2021-0266)

In The Matter Of:

**Lap Pan Chu, RPh
8940 Sycamore Trail
Sylvania, OH 43560
License No. 03-127308**

INTRODUCTION

On June 25, 2021, the State of Ohio Board of Pharmacy (Board) issued a Notice of Opportunity for Hearing (Notice) to Lap Pan Chu (Respondent). Respondent received the Notice, via certified mail, return receipt requested, on July 3, 2021. Pursuant to Ohio Revised Code 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Rather, Respondent waived his right to a hearing in writing on July 7, 2021. Accordingly, 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 November 9, 2021, before the following members: Shawn Wilt, RPh, Vice President, *Presiding*; Trina Buettner, RPh; Victor Goodman, *Public Member*; Jeff Huston, RPh; TJ Grimm, RPh; and Jason George, RPh.

Rich Miller, RPh, and Jennifer Rudell, RPh; Absent

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

SUMMARY OF EVIDENCE

State's Witnesses:

1. Teresa Meyer, Board Regional Agent in Charge

Respondent's Witnesses:

1. None

State's Exhibits:

1. Notice Letter
2. Settlement Agreement
3. April 2020 Notice Letter
4. CPE Monitor Activity Transcript
5. Continuing Education Certificate of Participation 1

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6. Continuing Education Certificate of Participation 2
7. Continuing Education Certificate of Participation 3
8. Continuing Education Certificate of Participation 4
9. Email Chain with Respondent

Respondent's Exhibits:

- A. 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 April 22, 2020, the Board issued a Notice of Opportunity for Hearing (Case no. A-2019-0312) to Respondent related to its investigation of an Anson Pharmacy employee performing pharmacy technician duties without obtaining appropriate registration with the Board, during which Respondent was listed as the Responsible Person of the pharmacy.
2. On or about June 9, 2020, Respondent and the Board entered into a settlement agreement to resolve Case no. A-2019-0312, wherein Respondent agreed, among other things, to:
 - a. Pay the Board a monetary penalty in the amount of \$1,000.00 within 30 days of the effective agreement (July 9, 2020). The monetary penalty was paid in full on July 13, 2020.
 - b. Obtain 6 hours of approved continuing pharmacy education (CEUs) within 6 months of the effective agreement (December 9, 2020) and submit copies of the completed CEUs to the Board. As of the issuance of the June 25, 2021, Notice, the Board had not received submission of any completed CEUs from Respondent and a CEU transcript for Respondent during the period of June 9, 2020, through June 17, 2021, listed a total of .5 contact hours completed.

CONCLUSIONS OF LAW

1. Such conduct, as set forth in the Findings of Fact Section, constitutes a violation of the following divisions of ORC 4729.16(A)(2):
 - a. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, ORC 3715.52 to 3715.72, ORC Chapters 2925. or 3719., or any rule adopted by the Board under those provisions; ORC 4729.16(A)(2)(e);
 - b. Failed to comply with an order of the Board or a settlement agreement, ORC 4729.16(A)(2)(k); and
 - c. Engaged in any conduct for which the Board may impose discipline as set forth in rules adopted under ORC 4729.26, ORC 4729.16(A)(2)(l).
2. Such conduct, as set forth in the Findings of Fact Section, constitutes a violation of each of the following divisions of OAC 4729:1-4-01(B)(2) (effective March 20, 2020):

- a. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of ORC Chapter 4729., ORC 3715.52 to 3715.72, ORC Chapters 2925., 3796., 3719. or 4752., or any rule adopted by the Board under those provisions, OAC 4729:1-4-01(B)(2)(e);
- b. Failed to comply with an order of the board or a settlement agreement, OAC 4729:1-4-01(B)(2)(k);
- 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 4729:1-4-01(B)(2)(m); and
- d. Has been disciplined by the Board pursuant to ORC 4729.16, OAC 4729:1-4-01(B)(2)(n).

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the Board hereby disciplines Lap Pan Chu with a written reprimand for his actions in this matter. Further, the Board imposes a monetary penalty in the amount of \$1,000.00. This fine will be attached to Lap Pan Chu's license record and must be paid no later than 6 months from the effective date of this Order. To pay this fine, Lap Pan Chu must login to www.license.ohio.gov and process the items in the cart.

Mr. Grimm moved for Findings of Fact; Ms. Buettner seconded the motion. Motion passed (Yes-5/No-0).

Mr. Grimm moved for Conclusions of Law; Mr. Huston seconded the motion. Motion passed ((Yes-5/No-0).

Mr. Goodman moved for Action of the Board; Ms. Buettner seconded the motion. Motion passed (Yes-5/No-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: **November 16, 2021**

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

SWS/mls/kll
CMRRR: 9414 7118 9956 0878 2989 76



**STATE OF
OHIO**
BOARD OF PHARMACY

-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: 06/25/2021

-MUST HAVE BOARD SEAL TO BE OFFICIAL-

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

IN THE MATTER OF:

Lap Pan Chu, RPh
8940 Sycamore Trail
Sylvania, OH 43560

Case No. A-2021-0266

License No. 03-127308

June 25, 2021

Dear Mr. Lap Pan Chu:

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

JURISDICTION

1. Pursuant to ORC 4729.16(A)(1), 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 penalty 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. OAC 4729:1-4-01 provides that the Board may discipline or deny the issuance of a certificate of registration or an identification card to practice pharmacy as a pharmacist in Ohio.
3. You are a licensed pharmacist in the state of Ohio under license number 03-127308.

ALLEGATIONS

1. On or about April 22, 2020, the Board issued a Notice of Opportunity for Hearing (Case no. A-2019-0312) to you related to its investigation of an Anson Pharmacy employee performing pharmacy technician duties without obtaining appropriate registration with the Board, during which you were listed as the Responsible Person of the pharmacy.

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



2. On or about June 9, 2020, you and the Board entered into a settlement agreement to resolve Case no. A-2019-0312, wherein you agreed, among other things, to:

- a. Pay the Board a monetary penalty in the amount of \$1,000.00 within 30 days of the effective agreement (July 9, 2020). The monetary penalty was paid in full on or about July 13, 2020.
- b. Obtain 6 hours of approved continuing pharmacy education (CEUs) within 6 months of the effective agreement (December 9, 2020) and submit copies of the completed CEUs to the Board. To date, the Board has not received submission of any completed CEUs from you and a CEU transcript for you during the period of June 9, 2020, through June 17, 2021, lists a total of .5 contact hours completed.

POTENTIAL VIOLATIONS OF LAW

1. Such conduct, as set forth in the Allegations Section, if proven, constitutes a violation of the following divisions of ORC 4729.16(A)(2), each violation constituting a minor misdemeanor, each punishable by a maximum penalty of \$150:
 - a. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, ORC 3715.52 to 3715.72, ORC Chapters 2925. or 3719., or any rule adopted by the Board under those provisions; ORC 4729.16(A)(2)(e); and/or
 - b. Failed to comply with an order of the Board or a settlement agreement, ORC 4729.16(A)(2)(k); and/or
 - c. Engaged in any conduct for which the Board may imposed discipline as set forth in rules adopted under ORC 4729.26, ORC 4729.16(A)(2)(l).
2. Such conduct, as set forth in the Allegations Section, if proven, constitutes a violation of each of the following divisions of OAC 4729:1-4-01(B)(2) (effective March 20, 2020), each violation punishable by a maximum penalty of \$500:
 - a. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of ORC Chapter 4729., ORC 3715.52 to 3715.72, ORC Chapters 2925., 3796., 3719. or 4752., or any rule adopted by the Board under those provisions, OAC 4729:1-4-01(B)(2)(e); and/or
 - b. Failed to comply with an order of the board or a settlement agreement, OAC 4729:1-4-01(B)(2)(k); 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 4729:1-4-01(B)(2)(m); and/or
 - d. Has been disciplined by the Board pursuant to ORC 4729.16, OAC 4729:1-4-01(B)(2)(n).

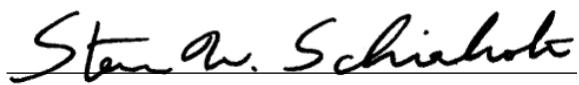
YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the State of Ohio Board of Pharmacy, if you request such a hearing within thirty 30 days of the date of the mailing of this notice.

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 State of Ohio 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 BOARD OF PHARMACY



Steven W. Schierholt, Esq., Executive Director

SWS/mls/kll

Encl. A-2019-0312 Settlement Agreement

CMRRR: 7032 0350 0001 8778 9327



**STATE OF
OHIO**
BOARD OF PHARMACY

IN THE MATTER OF:

Case No. A-2019-0312
I-2019-0471-A

Lap Pan Chu, RPh
8940 Sycamore Trl.
Sylvania, OH 43560

License No. 03-127308

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 Lap Pan Chu, for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing pharmacy technician duties without obtaining appropriate registration with the Board. Together, the Board and Lap Pan Chu 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. Lap Pan Chu is a licensed pharmacist in the state of Ohio under license number 03-127308.
3. Lap Pan Chu is listed as the owner of Anson Pharmacy, located at 25684 Dixie Hwy., Perrysburg, OH, 43551 and 209 Bierley Ave., Pemberville, OH, 43450. Lap Pan Chu is also listed as the Responsible Person for each of the locations from on or about December 1 through December 6, 2018, and April 30 through December 4, 2018, respectively. The license for Anson Pharmacy located at 25684 Dixie Hwy., Perrysburg, OH became inactive effective December 17, 2019, after its submission of a written notice of discontinuation of business to the Board.

FACTS

1. On or about February 26, 2019, the Board initiated an investigation of Lap Pan Chu, pharmacist license number 03-127308, and Anson Pharmacy, related to an Anson Pharmacy employee performing pharmacy technician duties without obtaining appropriate registration with the Board.
2. On or about April 22, 2020 the Board sent a Notice of Opportunity for Hearing to Lap Pan Chu, 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.

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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. Lap Pan Chu neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated April 22, 2020; 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. Lap Pan Chu agrees to pay to the Board the amount of amount of \$1,000.00. This fine will be attached to your registration 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.license.ohio.gov and process the items in your cart.
4. Lap Pan Chu must obtain, within six months 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.
5. Lap Pan Chu agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Lap Pan Chu understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Lap Pan Chu 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. Lap Pan Chu 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.

[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:


Lap Pan Chu, Respondent

5/20/2020

Date of Signature

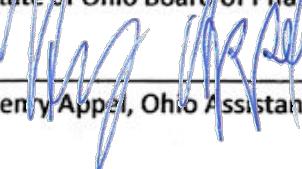
Attorney for Respondent (if applicable)


Shawn C. Wilt, RPh, President,
State of Ohio Board of Pharmacy

Date of Signature

06.09.2020

Date of Signature


Henry Appel, Ohio Assistant Attorney General

06.09.2020

Date of Signature



**STATE OF
OHIO**
BOARD OF PHARMACY

-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.

Stan W. Schierholt

Steven W. Schierholt, Esq., Executive Dir.

Date: 04/22/2020

-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-2019-0312
I-2019-0471-A**

Lap Pan Chu, RPh
8940 Sycamore Trl.
Sylvania, OH 43560

License No. 03-127308

April 22, 2020

Dear Mr. Lap Pan Chu:

You are hereby 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 Section 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 September 29, 2017) 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 penalty 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 4729:1-4-01 of the Ohio Administrative Code (OAC) provides that the Board may discipline or deny the issuance of a certificate of registration or an identification card to practice pharmacy as a pharmacist in Ohio.
3. You are a licensed pharmacist in the state of Ohio under license number 03-127308.
4. You are listed as the owner of Anson Pharmacy, located at 25684 Dixie Hwy., Perrysburg, OH, 43551 and 209 Bierley Ave., Pemberville, OH, 43450. You are also listed as the Responsible Person for each of the

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



locations from on or about December 1 through December 6, 2018, and April 30 through December 4, 2018, respectively. The license for Anson Pharmacy located at 25684 Dixie Hwy., Perrysburg, OH became inactive effective December 17, 2019, after its submission of a written notice of discontinuation of business to the Board.

ALLEGATIONS

1. From August 2018 to February 25, 2019 (approximately 88 scheduled days), Andrea Forrester worked as a pharmacy technician at Anson Pharmacy, located at 25684 Dixie Hwy., Perrysburg, OH and 209 Bierley Ave., Pemberville, OH, without proper registration with the Board. Ms. Forrester explained to an agent of the Board that on February 25, 2019, she learned that all pharmacy technicians must register with the state of Ohio. On or about February 26, 2019, Andrea Forrester notified Board staff that she had been working as a pharmacy technician, at both Anson Pharmacy locations, without properly registering with the Board.
2. On or about April 11, 2019 you were interviewed by an agent of the Board. You admitted:
 - a. You allowed Ms. Forrester to continue to perform the duties of a certified pharmacy technician without proper registration with the Board at both of the Anson pharmacies.
 - b. You had misunderstood the registration requirement and had not intentionally allowed this mistake to happen.

POTENTIAL VIOLATIONS OF LAW

1. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of Section 4729.95(B) of the ORC, No pharmacist shall knowingly allow any person employed or otherwise under the control of the pharmacist to violate division (A) of this section which states: No person who is not a pharmacist, pharmacy intern, registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee shall knowingly engage in any of the activities listed in section 4729.91 of the Revised Code in a location licensed as a terminal distributor of dangerous drugs, a misdemeanor of the second degree, punishable by a maximum penalty of \$750.
2. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of the following sections of Rule 4729-5-11 of the OAC, as effective February 17, 2017, each punishable by a maximum penalty of \$500:
 - a. The person to whom the terminal distributor of dangerous drugs license has been issued and all pharmacists on duty are responsible for compliance with all state and federal laws, regulations, and rules governing the distribution of drugs and the practice of pharmacy, OAC Rule 4729-5-11(A)(3); and/or
 - b. The responsible person shall be responsible for ensuring the terminal distributor of dangerous drugs requirements are met, including, but not limited to, the supervision and control of dangerous drugs as required in division (B) of section 4729.55 of the Revised Code, adequate safeguards as required in division (C) of section 4729.55 of the Revised Code, security and control of dangerous drugs as required in rule 4729-9-11 of the Administrative Code and maintaining all records relating to the distribution dangerous drugs, OAC Rule 4729-5-11(C)(6).

3. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of Section 4729.08(B) of the ORC, not of good moral character and habits, punishable by a maximum penalty of \$500.
4. 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, 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).
 - 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).
5. 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, 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).

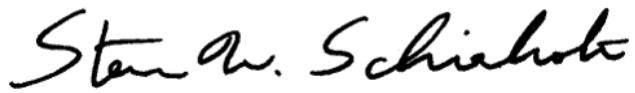
YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the State of Ohio Board of Pharmacy, if you request such a hearing within thirty 30 days of the date of the mailing of this notice.

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 State of Ohio 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 BOARD OF PHARMACY



Steven W. Schierholt, Esq., Executive Director

SWS/mls/kll

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