



IN THE MATTER OF:

CASE NO. A-2022-0145

Stephanie Felton, RPh

5415 Robert Avenue
Cincinnati, Ohio 45248

License No. 03-135738

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 Stephanie Felton, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of an employee of Beckett Springs diverting controlled substances while Stephanie Felton was the Responsible Person on the Terminal Distributor of Dangerous Drugs License. Together, the Board and Stephanie Felton 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. Stephanie Felton is a licensed pharmacist in the state of Ohio under license number 03-325493.
3. Stephanie Felton was listed as the Responsible Person of Beckett Springs from on or about July 2020 to on or about February 2023.

FACTS

1. The Board initiated an investigation of Beckett Springs, related to an employee of Beckett Springs diverting controlled substances while Stephanie Felton, pharmacist license number 03-135738, was the Responsible Person on the Terminal Distributor of Dangerous Drugs License.

2. On or about July 26, 2023, the Board sent a Notice of Opportunity for Hearing to Stephanie Felton, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.
3. On or about August 9, 2023, Stephanie Felton, through counsel Todd Newkirk, timely requested an administrative hearing, which was subsequently scheduled for March 5, 2024 and continued to April 10, 2024. This matter was settled via this Agreement prior to hearing.

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

TERMS

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

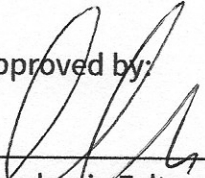
1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Stephanie Felton's license to practice pharmacy is placed on a period of probation for one year. During the probationary period, Ms. Felton may be requested by the Board to appear before the Probation Committee.
3. Stephanie Felton neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated July 26, 2023; however, the Board has evidence sufficient to sustain the allegations, finds her to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
4. Stephanie Felton agrees to pay to the Board a monetary penalty in the amount of \$1,500. This fine will be attached to Stephanie Felton's license record and must be paid no later than 180 days from the effective date of this Agreement. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
5. Stephanie Felton must obtain six hours of approved continuing pharmacy education (0.6 CEUs) which may not also be used for license renewal. The 0.6 CEUs must be completed within six months from the effective date of this Agreement. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
6. The Board hereby imposes a written reprimand on Stephanie Felton's pharmacist license, number 03-135738.

7. Stephanie Felton agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
8. Stephanie Felton understands that she has the right to be represented by counsel for review and execution of this agreement.
9. Stephanie Felton agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which she currently holds a professional license, including the Board on renewal applications or applications for a new license.
10. Stephanie Felton explicitly withdraws her 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.
11. 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.
12. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
13. 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.
14. 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.
15. 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:



Stephanie Felton, RPh, Respondent

3/24/2024


Date of Signature

Todd Newkirk

Todd Newkirk, Attorney for Respondent

March 25. 2024

Date of Signature



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

03.26.2024

Date of Signature



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

IN THE MATTER OF:

CASE NO. A-2022-0145

Stephanie Felton
5415 Robert Avenue
Cincinnati, Ohio 45248

License No. 03-135738

July 26, 2023

Dear Ms. Felton:

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 October 9, 2021) of the Ohio Revised Code (ORC), the Board may impose any one or more of the following sanctions on a pharmacist or pharmacy intern if the Board finds the individual engaged in any of the conduct set forth in division (A)(2) of this section:
 - a. Revoke, suspend, restrict, limit, or refuse to grant or renew a license, ORC 4729.16(A)(1)(a); and/or
 - b. Reprimand or place the license holder on probation, ORC 4729.16(A)(1)(b); and/or
 - c. Impose a monetary penalty or forfeiture not to exceed in severity any 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. Stephanie Felton is a licensed pharmacist in the state of Ohio under license number 03-135738 who is listed as the Responsible Person of Beckett Springs, located at 8614 Shepherd Farm Drive, West Chester, Ohio, from on or about July 2020 to on or February 2023.

ALLEGATIONS

1. On or about February 3, 2021, the Board was notified by Cardinal Health (Wholesaler Distributor of Dangerous Drugs) that Beckett Springs Mental Health Hospital, located at 8614 Shepherd Farm Drive, West Chester, Ohio, was approaching its order limit for Xanax (alprazolam, a Schedule IV controlled substance). The Board was advised the facility had ordered 170 bottles (500 tablet count) of alprazolam 1mg immediate release (IR) in the last three years; these orders were in a strength and National Drug Code (NDC) the facility does not use. Additionally, most orders were delivered on the Responsible Person’s days off work.
2. It was discovered that only two pharmacist, you and Lauren Bodey, and one certified pharmacy technician, Alta Starms, worked at the pharmacy full time from 2017 to 2021. Ms. Starms worked full-time when you were the Responsible Person (2020-2023) and when Ms. Bodey was the Responsible Person (2015-2020).
3. Wholesale purchases for alprazolam 1mg were reviewed from January 6, 2017 to February 2, 2021. The tablets with no dispensing records could not be accounted for. The following alprazolam 1mg IR tablets were ordered and dispensed while you were the Responsible Person:

Year	Alprazolam 1mg Ordered	Alprazolam 1mg Dispensed	Difference (no dispensing records)
2020	23,400	364	23,036
2021	4,200	137	4,063
Total	27,600	501	27,099

4. In February 2021, Cardinal Health (the WDDD) flagged Beckett Springs for suspicious sales and discontinued sale of alprazolam to the facility.
5. On or about January 11, 2022, agents of the Board conducted an inspection of Beckett Springs. The inspection resulted in five written responses required, including:
 - a. The username/password for accessing and ordering drugs was saved on both the technician and pharmacist computers, allowing for unsupervised access to ordering drugs.
 - b. The facility is not completing an annual controlled substance inventory or DEA biannual controlled substance inventory as required by OAC Rule 4729-9-14.
 - c. The facility was not maintaining all drug records on-site for a period of three years. The Responsible Person was unsure of the length of time the records were stored on-site.
 - d. The process used to verify and audit controlled substance ordering and receiving did not identify substantial discrepancies in quantities of the drug ordered vs. the drug placed into inventory.
6. On or about January 11, 2022, you, the Responsible Person for Beckett Springs from July 2020 to February 2023, were interviewed by an agent of the Board. You stated:

- a. You were not aware of any drug diversion occurring at the hospital.
- b. You and Ms. Storms would take receipt of the drug shipments. Ms. Storms would open the totes and hand them to you to be logged and put away.
- c. You shared an account with Ms. Storms and you would both order drugs for the pharmacy.
- d. You never checked the drug ordering on Cardinal Health's website, but you did receive a quarterly controlled substance invoice. (Note: The quarterly invoice came inside a tote; however, upon inspection of the pharmacy, there were no invoices found by agents. It is suspected they were removed and/or destroyed).
- e. Alprazolam 1mg IR was not used a lot at the hospital. When it was ordered, it was ordered in blister packs, 60 count bottles and sometimes 100 count bottles.
- f. When told that 23,400 alprazolam 1mg IR tablets were ordered in 2020, you were not aware this had occurred.
- g. You agreed that the dispensing of 364 tablets in 2020 sounded correct.
- h. You were not aware Cardinal Health quit selling the facility alprazolam in February 2021.

POTENTIAL VIOLATIONS OF LAW

1. 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 8, 2019, and October 9, 2021, each violation constituting a minor misdemeanor, each punishable by a maximum penalty of \$150:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and/or
 - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, 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).
2. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of the following sections of Rule 4729-9-11(A) of the OAC, each punishable by a maximum penalty of \$500: 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 OAC as standards for the security controls and operating procedures necessary to deter and detect diversion.
3. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of the following sections of Rule 4729:5-2-01 of the OAC, as effective March 1, 2019, each 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 Rule 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 Rule 4729:5-2-01(A)(3); and/or
 - c. The responsible person to whom the terminal distributor of dangerous drugs license has been issued and all licensed health professionals on duty are responsible for compliance with all state and federal laws, regulations, and rules governing the distribution of dangerous drugs, OAC Rule 4729:5-2-01(E)(4); and/or
 - d. 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 and maintaining all drug records otherwise required, OAC Rule 4729:5-2-01(E)(6).
4. Such conduct as set forth in the Allegations Section, if proven, each constitutes a violation of the following sections of Rule 4729:5-22-02(A) of the OAC, as effective March 1, 2020 and February 4, 2021, each punishable by a maximum penalty of \$500: The security and control of dangerous drugs is the responsibility of the responsible person on the terminal distributor of dangerous drugs license and the terminal distributor of dangerous drugs.
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 and March 20, 2020, each violation punishable by a maximum penalty of \$500:
- a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, OAC Rule 4729:1-4-01(B)(2)(b); and/or
 - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925., 3796., 3719. or 4752. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729:1-4-01(B)(2)(e); and/or
 - c. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations 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. Failed to conform to prevailing standards of care of similar pharmacists under the same or similar circumstances, whether or not actual injury to a patient is established, OAC Rule 4729:1-4-01(B)(2)(p).

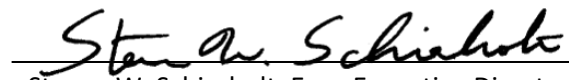
YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the State of Ohio Board of Pharmacy, if you request such a hearing within thirty 30 days of the date of the mailing of this notice.

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, 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/alg/kll

CMRRR: 9414 7118 9956 2020 4384 45

cc: Beckett Springs, 8614 Shepherd Farm Drive, West Chester, Ohio 45069