



**STATE OF
OHIO**
BOARD OF PHARMACY

IN THE MATTER OF:

**Case No. A-2020-0144
501-2011**

Phillip Broerman, RPh
5746 Long Valley Drive
Liberty Township, Ohio 45011

License No. 03-218165

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 Phillip Broerman, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of an employee performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board. Together, the Board and Phillip Broerman are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, restrict, limit, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Phillip Broerman is a licensed pharmacist in the state of Ohio under license number 03-218165.
3. During the applicable time period, Phillip Broerman was the Responsible Person of Centerville Long Term Care Pharmacy, which was located at 436 Alexandersville Road, Miamisburg, Ohio.

FACTS

1. The Board initiated an investigation of Phillip Broerman, pharmacist license number 03-218165, and Centerville Long Term Care Pharmacy, related to an employee of Centerville Long Term Care Pharmacy performing duties of a pharmacy technician without obtaining and/or maintaining appropriate registration with the Board.
2. On or about March 2, 2021, the Board sent a Notice of Opportunity for Hearing to Phillip Broerman, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.



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

TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Phillip Broerman neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated March 2, 2021; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.
3. Phillip Broerman agrees to pay to the Board a monetary penalty in the amount of \$250.00. This fine will be attached to Phillip Broerman's license record and must be paid no later than 180 days from the effective date of this Order. To pay this fine, login to www.elicense.ohio.gov and process the items in the cart.
4. Phillip Broerman must obtain two hours of approved continuing pharmacy education (0.2 CEUs) which may not also be used for license renewal. The 0.2 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.
5. Phillip Broerman agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Phillip Broerman understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Phillip Broerman 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. Phillip Broerman explicitly 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:




Phillip Broerman, Respondent

8-14-21

Date of Signature

Attorney for Respondent (if applicable)


Date of Signature



Rich Miller, RPh, President,
State of Ohio Board of Pharmacy

8/18/2021

Date of Signature



Henry Appel, Ohio Assistant Attorney General

8/18/2021

Date of Signature



**STATE OF
OHIO**
BOARD OF PHARMACY



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

IN THE MATTER OF:

**Case No. A-2020-0144
501-2011**

Phillip Broerman, RPh
5746 Long Valley Drive
Liberty Township, Ohio 45011

License No. 03-218165

March 2, 2021

Dear Mr. Broerman:

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 9, 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. Phillip Broerman is a licensed pharmacist in the state of Ohio under license number 03-218165.

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



ALLEGATIONS

1. On or about December 17, 2019, an inspection of Centerville Long Term Care Pharmacy, located at 436 Alexandersville Road, Miamisburg, Ohio, where you were the Responsible Person, revealed a pharmacy employee was performing pharmacy technician duties without proper registration with the Board. The inspection revealed Kayla Lewis had been working as a pharmacy technician at Centerville Long Term Care Pharmacy from on or about November 29, 2019 to December 17, 2019, without Board issued registration. Ms. Lewis' registration as a pharmacy technician trainee lapsed on November 29, 2019. During the inspection, she was observed performing duties of a pharmacy technician, including counting medications. She was granted an extension on her registration as a pharmacy technician trainee on or about January 2, 2020.
2. On or about December 17, 2019, you spoke with an agent of the Board. You admitted:
 - a. You were the Responsible Person at Centerville Pharmacy. You did not realize Kayla Lewis' registration had expired.
 - b. You thought the consultants, who were hired by the pharmacy, took care of the hiring process.

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 4729:5-2-01 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, 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).
3. 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:

- c. 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).
- 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 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 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 3715.75 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).
- 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).

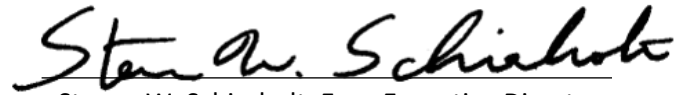
YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the State of Ohio Board of Pharmacy, if you request such a hearing within thirty 30 days of the date of the mailing of this notice.

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/alg/kll

CMRRR: 7020 1290 0001 7926 0602



**STATE OF
OHIO**
BOARD OF PHARMACY

IN THE MATTER OF:

**CASE NO. A-2019-0191
I-2017-1541-E**

Phillip Broerman, RPh
2589 Cranbrook Drive
Cincinnati, OH 45231

License No. 03-218165

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 Phillip Broerman, for the purpose of resolving all issues between the parties relating to the Board investigation of Phillip Broerman and Centerville Long Term Care Pharmacy pharmacists dispensing medications without a valid prescription between on or about July 2016 and April 2017. Together, the Board and Phillip Broerman 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. Phillip Broerman is a licensed pharmacist in the state of Ohio under license number 03-218165.

FACTS

1. On or about March 5, 2018, the Board initiated an investigation of Phillip Broerman, pharmacist license number 03-218165, related to Phillip Broerman and Centerville Long Term Care Pharmacy pharmacists dispensing medications without a valid prescription between on or about July 2016 and April 2017.
2. On or about October 17, 2019, the Board sent a Notice of Opportunity for Hearing to Phillip Broerman, 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 November 16, 2019, Phillip Broerman timely requested an administrative hearing, which was subsequently scheduled for March 2, 2020.

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



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. Phillip Broerman neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated October 17, 2019; 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. Phillip Broerman 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.
4. The Board hereby imposes a written reprimand on Phillip Broerman's license number 03-218165.
5. Phillip Broerman agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Phillip Broerman understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Phillip Broerman 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. Phillip Broerman withdraws his request for a hearing, waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

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

[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:


Phillip Broerman, Respondent

3/14/20
Date of Signature

Attorney for Respondent (if applicable)

Date of Signature


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

05.05.2020
Date of Signature


Henry Appel, Ohio Assistant Attorney General

05.05.2020
Date of Signature



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

IN THE MATTER OF:

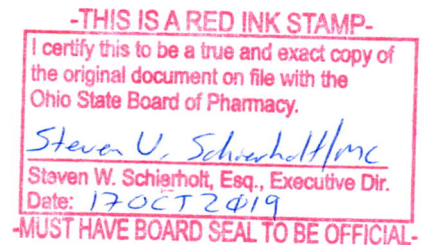
**CASE NO. A-2019-0191
I-2017-1541-E**

Phillip Broerman, RPH
2589 Cranbrook Drive
Cincinnati, OH 45231

License No. 03-218165

October 17, 2019

Dear Mr. Phillip Broerman, 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, 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 4729-05-04 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. Phillip Broerman, RPh is a licensed pharmacist in the state of Ohio under license number 03-218165.

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



ALLEGATIONS

1. From July 2016 through August 2016, Centerville Pharmacy, located at 9352 Dayton Lebanon Pike, Centerville, Ohio, dispensed six medications to Patient 1 without a valid prescription. The six medications had been previously prescribed to Patient 1 by Dr. Anthony Whitaker. The last prescription Dr. Whitaker issued to Patient 1 was on May 2, 2016. The following medications were dispensed to Patient 1, seven days at a time, without a valid prescription:
 - a. Rx 1167289, clonazepam 1 mg; a Schedule IV controlled substance, dispensed on 7/25/16, 8/8/16, 8/15/16, 8/22/16, 8/29/16
 - b. Rx 1165246, atorvastatin 20 mg; dispensed on 8/8/2016, 8/15/2016
 - c. Rx 1169352, trazodone 100 mg; dispensed on 8/8/2016, 8/15/2016
 - d. Rx 1169357, bupropion SR 150; dispensed on 8/8/2016, 8/15/2016
 - e. Rx 1169355, risperidone 4 mg; dispensed on 8/8/2016, 8/15/2016
 - f. Rx 1169358, amitriptyline 100 mg; dispensed on 8/8/2016, 8/15/2016
2. From on or about September 2016 to April 2017, Centerville Pharmacy dispensed two medications to Patient 1 without a valid prescription. On or about August 19, 2016, Laurin Slater, PA, issued one prescription to Patient 1 for risperidone and amitriptyline. Centerville Pharmacy continued to dispense the medications, seven days at a time, for Patient 1 on the following dates:
 - a. Rx 1175591, risperidone 4 mg; dispensed on 9/19/2016, 9/26/2016, 10/3/2016, 10/10/2016
 - b. Rx 1175592, amitriptyline 100 mg; dispensed on 9/19/2016, 9/26/2016, 10/3/2016, 10/10/2016
 - c. Rx 1180690, amitriptyline 100 mg; dispensed on 10/17/2016, 10/24/2016, 10/31/2016, 11/7/2016
 - d. Rx 1180691, risperidone 4 mg; dispensed on 10/17/2016, 10/24/2016, 10/31/2016, 11/7/2016
 - e. Rx 1185081, risperidone 4 mg; dispensed on 11/14/2016, 11/21/2016, 11/28/2016, 12/5/2016
 - f. Rx 1185083, amitriptyline 100 mg; dispensed on 11/14/2016, 11/21/2016, 11/28/2016, 12/5/2016
 - g. Rx 1189695, amitriptyline 100 mg; dispensed on 12/12/2016, 12/19/2016, 12/26/2016, 1/2/2017
 - h. Rx 1189696, risperidone 4 mg; dispensed on 12/12/2016, 12/19/2016, 12/26/2016, 1/2/2107
 - i. Rx 1193944, amitriptyline 100 mg; dispensed on 1/9/2017, 1/16/2017, 1/23/2017, 1/30/2017
 - j. Rx 1193943, risperidone 4 mg; dispensed on 1/9/2017, 1/16/2017, 1/23/2017, 1/30/2017
 - k. Rx 1198319, amitriptyline 100 mg; dispensed on 2/6/2017, 2/20/2017, 2/27/2017, 3/6/2017
 - l. Rx 1198321, risperidone 4 mg; dispensed on 2/6/2017, 2/20/2017, 2/27/2017, 3/6/2017
 - m. Rx 1204794, amitriptyline 100 mg; dispensed on 3/13/2017, 3/27/2017, 4/3/2017
 - n. Rx 1204793, risperidone 4 mg; dispensed on 3/13/2017, 3/27/2017, 4/3/2017
 - o. Rx 1209796, amitriptyline 100 mg; dispensed on 4/10/2017, 4/17/2017
 - p. Rx 1209797, risperidone 4 mg; dispensed on 4/10/2017, 4/17/2017
3. From on or about November 2016 to February 2017, Centerville Pharmacy dispensed two medications, venlafaxine and trazadone, to Patient 1 without a valid prescription. Laurin Slater, PA, issued the original prescriptions to Patient 1 for venlafaxine and trazadone, but did not issue any new prescriptions between November 2016 and February 2017. The following medications were dispensed to Patient 1, seven days at a time, without a valid prescription:

- a. Rx 1187030, venlafaxine caps ER 75 mg; dispensed on 11/28/2016, 12/5/2016, 12/12/2016, 12/19/2016
 - b. Rx 1188412, trazodone 15 mg; dispensed on 12/5/2016, 12/12/2016, 12/19/2016, 12/26/2016
 - c. Rx 1191630, venlafaxine caps ER 75 mg; dispensed on 12/26/2016, 1/02/2017, 1/9/2017, 1/16/2017
 - d. Rx 1192905, trazodone 150 mg; dispensed on 1/2/2017, 1/9/2017, 1/16/2017, 1/23/2017, 2/20/2017
 - e. Rx 1196170, venlafaxine caps ER 75 mg; dispensed on 1/23/2017, 1/30/2017, 2/6/2017, 2/20/2017
 - f. Rx 1196950, trazodone 150 mg; dispensed on 1/30/2017, 2/6/2017.
4. On or about April 20, 2017, April 27, 2017, May 16, 2017 and June 16, 2017, an agent of the Board spoke with the owner of Centerville Pharmacy, Jaye Wexler, RPh. Mr. Wexler confirmed:
- a. The pharmacy did not have the original prescriptions for risperidone or amitriptyline (that were auto filled for Patient 1) and no documentation existed that would indicate the prescriptions had been dispensed as emergency refills.
 - b. Due to the numerous repeated errors in dispensing, as well as the way the pharmacists rotate throughout the checking stations at Centerville Pharmacy, the mistake of dispensing medications without a valid prescription could not be attributed to just one pharmacist. It was more likely a failure of their overall system and a result of all the pharmacists working at the same computer station within the pharmacy.
 - c. The pharmacy's current record storing system did not sufficiently maintain records and the records that were maintained were very disorganized. Mr. Wexler was not able to produce three years of dispensing records when requested by an agent of the Board.
 - d. The medication order signed by Dr. Whitaker on May 2, 2016 was the last valid prescription for Patient 1 from Dr. Whitaker. All medications dispensed for Patient 1 since that time had been erroneously auto filled. The prescriptions in question by Laurin Slater had also been erroneously auto filled. No documentation existed to show any attempt to contact the prescriber(s) to request additional prescriptions.

POTENTIAL VIOLATIONS OF LAW

- 1. Such conduct as set forth in paragraphs the Allegations Section, if proven, constitutes a violation of Rule 4729-5-21(A) or the Ohio Revised Code (OAC), manner of processing a prescription, punishable by a maximum fine of \$500.
- 2. Such conduct as set forth in paragraph 1(a)-(f), 2(a)-(p), 3(a)-(f) and 4(d) of the Allegations Section, if proven, each constitutes a violation of the following Section of 4729.281 of the ORC, conditions for refill of prescription, each punishable by a maximum fine of \$500:
 - a. A pharmacist may dispense or sell a dangerous drug, other than a Schedule II controlled substance, without a written or oral prescription from a licensed health professional authorized to prescribe drugs if:

- i. The pharmacist is unable to obtain authorization to refill the prescription from the health care professional who issued the prescription or another health professional responsible for the patient's care, ORC Section 4729.281(A)(2); and/or
 - ii. Except as provided in division (A)(4)(b) of this section, the amount of the drug that is dispensed or sold under this section does not exceed a seventy-two-hour supply as provided in the prescription, ORC Section 4729.281(A)(4)(a); and/or
 - b. A pharmacist may dispense or sell a dangerous drug, other than a Schedule II controlled substance without a written or oral prescription from a licensed health professional authorized to prescribe drugs if all of the following conditions are met: A pharmacist shall not dispense or sell a particular drug to the same patient in an amount described in division (A)(4)(b)(i) of this section more than once in any twelve-month period, ORC Section 4729.281(A)(4)(b)(ii); and/or
 - c. A pharmacist who dispenses or sells a drug under this section shall do all of the following:
 - i. Notify the health professional who issued the prescription described in division (A)(1) of this section or another health professional responsible for the patient's care not later than seventy-two hours after the drug is sold or dispensed, ORC Section 4729.281(B)(2); and/or
 - ii. If applicable, obtain authorization for additional dispensing from one of the health professionals described in division (B)(2) of this section, ORC Section 4729.281(B)(3).
 - d. A pharmacist who dispenses or sells a drug under this section may do so once for each prescription described in division (A)(1) of this section, ORC Section 4729.281(C).
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)(2) of section 4729.16 of the ORC, as effective July 16, 2015, each violation constituting a minor misdemeanor, each punishable by a maximum penalty of \$150:
 - a. Guilty of dishonesty or unprofessional conduct in the practice of pharmacy, ORC Section 4729.16(A)(2); and/or
 - b. Guilty of willfully violating...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 Section 4729.16(A)(5).
 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 3715.52 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 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).
6. 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); and/or
 - c. Committed acts that constitute moral turpitude as defined in section 4776.10 of the Revised Code or gross immorality, OAC Rule 4729-5-04(C).


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/alg/kll

CMRRR: 9414 7118 9956 1985 359055



IN THE MATTER OF:

CASE NO. A-2019-0151

Phillip Broerman, RPh
5746 Long Valley Drive
Liberty Township 45011

License No. 03-218165

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 Phillip Broerman, RPh for the purpose of resolving all issues between the parties relating to the Board investigation of an error in dispensing. Together, the Board and Phillip Broerman are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Sections 4729.07 and 4729.08 of the Ohio Revised Code to practice pharmacy in the state of Ohio.
2. Phillip Broerman is an Ohio-licensed pharmacist under license number 03-218165.

FACTS

1. On or about March 12, 2018, the Board initiated an investigation of Phillip Broerman, pharmacist license number 03-218165, related to Phillip Broerman's error in dispensing on or about February 21, 2018.
2. On or about October 30, 2019 the Board sent a Notice of Opportunity for Hearing to Phillip Broerman, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

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



TERMS

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

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Phillip Broerman neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated October 30, 2019; 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. Phillip Broerman agrees to pay to the OSBP the amount of \$500.00. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Order. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.
4. Phillip Broerman agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
5. Phillip Broerman understands that he has the right to be represented by counsel for review and execution of this agreement.
6. Phillip Broerman agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the Board on renewal applications or applications for a new license.
7. Phillip Broerman waives an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.
8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
11. This Agreement shall become effective upon the date of the Board President's signature below.


[SIGNATURE PAGE FOLLOWS]

OHIO PHARMACY BOARD

NOV 18 2019

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

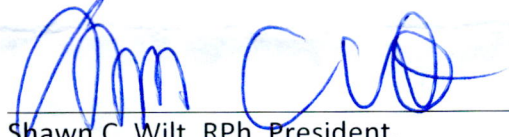
Approved by:


Phillip Broerman, RPh

11/13/19
Date of Signature

Attorney for Respondent (if applicable)

Date of Signature


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

12/10/19
Date of Signature


Henry Appel, Ohio Assistant Attorney General

12/12/19
Date of Signature



**STATE OF
OHIO**
BOARD OF PHARMACY

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

IN THE MATTER OF:

CASE NO. A-2019-0151

Phillip Broerman, RPh
5746 Long Valley Drive
Liberty Township 45011

License No. 03-218165

October 30, 2019

Dear Mr. Phillip Broerman, 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 Chapter 4729 of the Administrative Code under authority of Section 4729.16 of the Revised Code.

JURISDICTION

1. Pursuant to division (A)(1) of Section 4729.16 (effective 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 fine designated under the Revised Code for a similar offense or in the case of a violation of a section of the Revised Code that does not bear a penalty, impose a monetary penalty or forfeiture of not more than \$500, ORC 4729.16(A)(1)(c).
2. Rule 4729-05-04 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. Phillip Broerman, RPh is a licensed pharmacist in the state of Ohio under license number 03-218165.

ALLEGATIONS

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



1. On or about February 21, 2018, while working at Centerville Long Term Care Pharmacy located at 9352 Dayton Lebanon Pike, Suite B, Washington Township, Ohio, you performed final verification for prescription #1576382. Prescription #1576382 was written for sertraline 25mg, with directions to take one tablet at bedtime. The prescription was filled on January 23, 2018 and February 21, 2018. On February 21, 2018, the prescription was erroneously filled with quetiapine and dispensed to Patient 1, a nine year-old child. Quetiapine is an antipsychotic medication and sertraline is an antidepressant medication.
2. Patient 1's mother realized the wrong medication was in the bottle when she went to administer the first dose to Patient 1. There was no reported harm to Patient 1 as a result of the medication.

POTENTIAL VIOLATIONS OF LAW

1. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of section 3715.52(A)(2) of the ORC, the adulteration or misbranding of any food, drug, device or cosmetic, constituting a misdemeanor of the fourth degree, punishable by a maximum penalty of \$250.
2. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of section 3715.64(A)(1), Misbranded drug – its labeling is false or misleading in any particular, a misdemeanor of the fourth degree, punishable by a maximum penalty of \$250.
3. Such conduct as set forth in the Allegations Section, if proven, constitutes the following violations of divisions (A)(10) of section 3715.64 of the ORC, Misbranding, each violation a misdemeanor of the fourth degree, each punishable by a maximum penalty of \$250:
 - a. It is a drug and its container is so made, formed, or filled as to be misleading, ORC Section 3715.64(A)(10)(a); and/or
 - b. The drug sold or dispensed is not the brand or drug specifically prescribed or ordered or, when dispensed by a pharmacist upon prescription, is neither the brand or drug prescribed nor a generically equivalent drug, ORC Section 3715.64(A)(10)(d).
4. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following divisions 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).
5. 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., 3715., 3719., or 2925. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729-5-04(B); and/or
 - c. Failed to conform to prevailing standards of care of similar pharmacists or pharmacy interns under same or similar circumstances, whether or not actual injury to a patient is established, OAC Rule 4729-5-04(L).
6. 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.

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/alg/kll

CMRRR: 9414 7118 9956 1941 2004 14



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.pharmacy.ohio.gov>

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-970103-023)

In The Matter Of:

PHILLIP WILLIAM BROERMAN, R.Ph.

3947 Durango Green

Cleves, Ohio 45002

(R.Ph. No. 03-2-18165)

INTRODUCTION

THE MATTER OF PHILLIP WILLIAM BROERMAN CAME TO HEARING ON APRIL 23, 1997, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: SUZANNE L. NEUBER, R.Ph. (presiding); DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; JOHN L. HANNA, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

PHILLIP WILLIAM BROERMAN WAS REPRESENTED BY MARK D. SENFF, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Officer Rick Haun, Cincinnati Police Department
- (2) Michael J. Rothan, D.D.S., Cincinnati, Ohio
- (3) Officer Robert Kercheval, Harrison Police Department
- (4) Michael Cluxton, Ohio State Board of Pharmacy
- (5) Phillip William Broerman, R.Ph., Respondent

Respondent's Witnesses:

- (1) Susan Heilmayer, Sister of Respondent
- (2) Paulette Broerman, Mother of Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Summary Suspension Order/Notice of Opportunity for Hearing letter dated January 3, 1997.

- (2) Exhibit 1A--Hearing Request letter dated January 7, 1997, with attached pharmacist pocket identification card, No. 03-2-18165, of Phillip William Broerman showing expiration date as September 15, 1997.
- (3) Exhibit 1B--Hearing Schedule letter dated January 15, 1997.
- (4) Exhibit 1C--Pharmacist File Front Sheet of Phillip W. Broerman showing original date of registration as February 23, 1990; and Renewal Application for Pharmacist License, No. 03-2-18165, for a license to practice pharmacy in Ohio from September 15, 1996, to September 15, 1997, of Phillip William Broerman dated July 9, 1996.
- (5) Exhibit 2--Two-page handwritten statement of Phillip W. Broerman signed and notarized on October 23, 1996.
- (6) Exhibit 3--Three-page Journal Entry in the Hamilton County Municipal Court, Case No. C/96/TRC/047265/A, in the matter of Phillip W. Broerman dated from October 6, 1996, through December 18, 1996.
- (7) Exhibit 4--Certified copy of Judgment Entry: Sentence in the Hamilton County Common Pleas Court, Case No. B 968046, of Phillip Broerman dated November 26, 1996.
- (8) Exhibit 5--Sealed Record-Copy of computer screen showing Team Rx (Prescription Entry - P Broerman) patient profile dated from August 25, 1996, through October 5, 1996; copy of prescription labels numbered 1072742-276 and 1072743-276; and copy of two Walgreens telephone prescriptions for Phil Broerman for the following: Valium 5 and Soma 350, prescriptions not dated.
- (9) Exhibit 6--Brown amber vial with Walgreens cap, unlabeled, containing the following: twenty-five round, white tablets with imprint of DAN/5513; seven oval, white tablets with imprint of G-6001; and one round, yellow tablet with imprint of LL64/57344.
- (10) Exhibit 7--Copy of two-page Official Crime Laboratory Report from the offices of Carl L. Parrott, Jr., M.D., C.L. File #5921-96-T, Subject: Phillip W. Broerman signed by Jerome Freitag, Toxicologist, dated October 17, 1996.
- (11) Exhibit 8--Handwritten statement of Michael J. Rothan, D.D.S. signed and notarized on November 5, 1996.
- (12) Exhibit 9--Letter from Michael J. Rothan, D.D.S. dated November 4, 1996.
- (13) Exhibit 10--Micromedex, Inc., ©1974-1997, Volume 92, Expiration Date: 05/31/97, Identidex® System: 5513, DAN (Imprint Code): Carisoprodol Tablet 350mg from Schein Pharmaceutical.
- (14) Exhibit 11--Micromedex, Inc., ©1974-1997, Volume 92, Expiration Date: 05/31/97, Identidex® System: 5513, DAN (Imprint Code): Carisoprodol Tablet 350mg from Danbury Pharmacal.
- (15) Exhibit 12--Micromedex, Inc., ©1974-1997, Volume 92, Expiration Date: 05/31/97, Identidex® System: LL64 57344 (Imprint Code): Stay Awake Tablet 200mg from AAA Pharmaceutical.
- (16) Exhibit 13--Micromedex, Inc., ©1974-1997, Volume 92, Expiration Date: 05/31/97, Identidex® System: 600 (Imprint Code): Ibuprofen Tablet 600mg from Winsor Pharmaceuticals.

Respondent's Exhibits:

- (1) Exhibit A--Two-page letter from Tom H. Pepper, M.D. dated April 17, 1997.
- (2) Exhibit B--Copy of three-page report of Initial Examination of Phil Broerman by James S. Howell, D.C. dated October 9, 1996.
- (3) Exhibit C--Letter from Karen Broerman dated April 18, 1997.
- (4) Exhibit D--Letter from Andrew R. Palmer dated April 13, 1997.
- (5) Exhibit E--Letter from Donald Ernst dated April 19, 1997.
- (6) Exhibit F--Letter from Lois Holmes dated April 2, 1997.

- (7) Exhibit G--Letter from Lisa Breen dated April 10, 1997.
- (8) Exhibit H--Letter from Susan M. Heilmayer dated April 13, 1997.
- (9) Exhibit I--Letter from Thomas E. Bechmann dated February 17, 1997.
- (10) Exhibit J--Copy of Twin Dental Account Transactions of Philip Broerman, report dated January 7, 1997.

FINDINGS OF FACT

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

- (1) Records of the Board indicate that Phillip William Broerman was originally licensed to practice pharmacy in Ohio on February 23, 1990, and on January 3, 1997, his license was summarily suspended in accordance with Section 3719.121(C) of the Ohio Revised Code.
- (2) Phillip William Broerman was convicted, on or about November 26, 1996, in the Common Pleas Court of Hamilton County, Ohio, of Theft of Drugs in violation of Section 2913.02 of the Ohio Revised Code, a felony of the fourth degree.
- (3) Phillip William Broerman did, on or about October 6, 1996, knowingly obtain, possess, or use a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Phillip William Broerman possessed and/or used one unit of Diazepam 5mg without having a prescription for the medication and without a legitimate medical purpose. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (4) Phillip William Broerman did, on or about October 6, 1996, possess dangerous drugs when the conduct was not in accordance with Chapters 4729. and 4731. of the Ohio Revised Code, to wit: Phillip William Broerman possessed and/or used Carisoprodol 350mg tablets without having a prescription for the medication and without a legitimate medical purpose. Such conduct is in violation of Section 4729.51(C)(3) of the Ohio Revised Code.
- (5) Phillip William Broerman did, October 6, 1996, operate a motor vehicle in this state while under the influence of alcohol and/or drugs of abuse, to wit: Phillip William Broerman was arrested for OMVI and subsequently convicted. Such conduct is a first degree misdemeanor in violation of Section 4511.19 of the Ohio Revised Code.
- (6) Phillip William Broerman did, on or about October 6, 1996, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Walgreens, beyond the express or implied consent of the owner, to wit: Phillip William Broerman stole 30 units of Carisoprodol 350mg and one unit of Diazepam 5mg from his employing pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (7) Phillip William Broerman did, on or about August 25, 1996, intentionally make and/or knowingly possess a false or forged prescription, to wit: Phillip William Broerman forged prescription number 1058849 for 30 units of Propoxyphene

65mg, a schedule IV controlled substance, to cover for his theft of the drugs. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.

- (8) Phillip William Broerman did, on or about October 5, 1996, knowingly make a false statement in a prescription, report, or record required by Chapter 4729. of the Revised Code, to wit: Phillip William Broerman forged prescription number 1072742 for 30 units of Carisoprodol 350mg, a dangerous drug, to cover for his theft of the drugs. Such conduct is in violation of Section 2925.23(A) of the Ohio Revised Code.
- (9) Phillip William Broerman did, on or about October 5, 1996, intentionally make and/or knowingly possess a false or forged prescription, to wit: Phillip William Broerman forged prescription number 1072743 for 3 units of Diazepam 5mg, a schedule IV controlled substance, to cover for his theft of the drugs. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (10) Phillip William Broerman did, on or about October 6, 1996, misbrand a drug, to wit: Phillip William Broerman placed 25 units of Carisoprodol into an unlabeled vial and removed the vial from the pharmacy in which he worked. Such conduct is in violation of Section 3715.52 of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of a felony as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3), (4), and (6) through (10) of the Findings of Fact constitute being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (5) of the Findings of Fact constitutes being impaired to such a degree as to render him unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (3), (4), and (7) through (10) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Sections 3715.52 to 3715.72 or Chapter 2925. or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION 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 January 3, 1997.

Pursuant to Section 4729.16 of the Ohio Revised Code, and on the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby places the pharmacist identification card, No. 03-2-18165, held by

Phillip William Broerman on probation for two years, effective as of the date of the release of his license. The terms of probation are as follows:

- (A) Phillip William Broerman must enter into a contract to obtain random urine drug screens with an ODADAS approved laboratory or an approved treatment provider acceptable to the Board for a period of not less than two years. Upon receipt of a copy of the signed contract, the Board will release the license of Phillip William Broerman. The contract must provide that:

(1) Random, **observed** urine screens shall be conducted at least once every three months. The urine drug screens must report testing for creatinine as the dilutional standard or specific gravity;

(2) The laboratory/treatment provider shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion; and

(3) The laboratory/treatment provider shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.

- (B) Other terms of probation are as follows:

(1) Phillip William Broerman must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.

(2) Phillip William Broerman must not violate the drug laws of the state of Ohio, any other state, or the federal government.

(3) Phillip William Broerman must abide by the rules of the Ohio State Board of Pharmacy.

(4) Phillip William Broerman must comply with the terms of this Order.

Phillip William Broerman is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.