



ORDER OF THE STATE BOARD OF PHARMACY
(Case Number 2016-1623)

In The Matter Of:

Anita McDonald, R.Ph.
5060 Sanro Drive
Cincinnati, OH 45244
(License No. 03-2-23614)

INTRODUCTION

The Matter of Anita McDonald came for consideration on June 5, 2018, before the following members of the State of Ohio Board of Pharmacy (Board): Megan E. Marchal, RPh, *Presiding*; Joshua M. Cox, RPh; Michael A. Moné, RPh; Curtis L. Passafume, Jr., RPh; Jennifer M. Rudell, RPh; Fred M. Weaver, RPh; Shawn C. Wilt, RPh.

Anita McDonald was present and was not represented by Counsel. The State of Ohio was represented by Latawnda Moore, Assistant Attorney General.

SUMMARY OF EVIDENCE

Petitioner's Witnesses:

1. Anita McDonald

Petitioner's Exhibits:

- A. Completion of ILC
- B. Certificate of Completion of Greater Cincinnati Behavioral Health's Aftercare/Individual Treatment
- C. Certificate of Completion of Greater Cincinnati Behavioral Health's Thinking 4 Change
- D. CRC Client Progress Report on 7/19/17
- E. CRC Discharge Summary
- F. Completion of Group Support Meetings done at Celebrate Recovery workshops
- G. List of completed CPE's

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 that Anita McDonald substantially complied with the terms set forth in Board's Order dated June 13, 2017.



DECISION OF THE BOARD

On the basis of the Findings of Fact set forth above, and after consideration of the record as a whole, the State of Ohio Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card, No. 03-2-23614, held by Anita McDonald to practice pharmacy in Ohio subject to a period of probation for one year beginning on the effective date of this Order, with the following conditions:

1. Anita McDonald must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 during her one year of probation) that includes a written description of Anita McDonald's progress towards recovery and what Anita McDonald has been doing during the previous three months.
2. Other terms of probation are as follows:
 - a. Anita McDonald may not serve as a responsible pharmacist.
 - b. Anita McDonald may not destroy, assist in, or witness the destruction of controlled substances.
 - c. Anita McDonald may not work in a pharmacy more than 40 hours per week or 80 hours over a two-week period.
 - d. Anita McDonald must not violate the drug laws of Ohio, any other state, or the federal government.
 - e. Anita McDonald must abide by the rules of the State of Ohio Board of Pharmacy.
 - f. Anita McDonald must comply with the terms of this Order.
 - g. Anita McDonald's license is deemed not in good standing until successful completion of the probationary period.
3. Anita McDonald 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 Anita McDonald to possible additional sanctions, including and up to revocation of license.
4. 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 Anita McDonald's license.

At the conclusion of the probationary period, the Board will issue a notice of opportunity for hearing to Anita McDonald regarding the status of Anita McDonald's probation and whether Anita McDonald has successfully met all terms of probation and may be considered in good standing.

SO ORDERED.

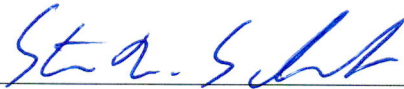
It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

TIME AND METHOD TO PERFECT AN APPEAL

Any party desiring to appeal shall file a Notice of Appeal with the Pharmacy Board, 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 with 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 any party appealing from the order 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 this Order as provided in Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: **June 28, 2018**

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

SWS/nmd/ts

CMRRR: 9414 7118 9956 0375 1940 78

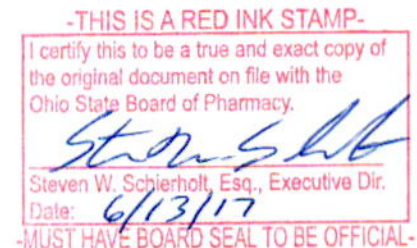


ORDER OF THE STATE BOARD OF PHARMACY

(Case Number 2016-1623)

In The Matter Of:

Anita McDonald, R.Ph.
5069 Sanro Drive
Cincinnati, Ohio 45244
(License No. 03-2-23614)



INTRODUCTION

The Matter of Anita McDonald came for hearing on May 1, 2017, before the following members of the State of Ohio Board of Pharmacy (Board): Michael A. Moné, R.Ph., *Presiding*; Megan E. Marchal, R.Ph.; Curtis L. Passafume, Jr., R.Ph.; Jennifer M. Rudell, R.Ph.; Fred M. Weaver, R.Ph.; and Shawn C. Wilt, R.Ph.

Joshua M. Cox, R.Ph and Kilee S. Yarosh, R.Ph.; Absent.

Anita McDonald was represented by Levi Tkach. The State of Ohio was represented by Steven Kochheiser, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. Anita McDonald—Respondent
2. Michael Poe—State of Ohio Board of Pharmacy

Respondent's Witness:

1. Anita McDonald—Respondent

State's Exhibits:

- | | |
|---|------------|
| 1. Summary Suspension/Notice of Opportunity for Hearing | 01-23-2017 |
| 2. Request for Hearing | 02-17-2017 |
| 3. Notice of Hearing | 02-27-2017 |
| 4. Credential View Screen | 04-07-2017 |
| 5. Indictment | 01-12-2017 |
| 6. Guilty Plea and ILC Entry | 03-31-2017 |
| 7. Statement of Dr. David Van Zant D.M.D. | 06-24-2016 |
| 8. Original RX#2053284 | 03-29-2016 |
| 9. Patient Profile for Patient SH | 06-16-2016 |
| 10. Altered RX#2053910 | 05-06-2016 |
| 11. Patient Profile for Fake Patient | 06-16-2016 |



Respondent's Exhibits:

A. CV of Anita McDonald	No Date
B. Court Entry	03-13-2017
C. Progress Report from CRC	04-27-2017
D. Letter of Support	04-24-2017
E. Letter of Support	04-27-2017

FINDINGS OF FACT

The State of Ohio Board of Pharmacy and Anita McDonald, by and through counsel, hereby stipulate to the following Findings of Fact:

1. During a theft of drugs investigation, Anita McDonald admitted to the agents of the Board that on or around May of 2016, she was working too many hours and in a lot of pain. In order to get through another two days, she confirmed that she altered or forged prescription 2053910 to obtain 24 tablets of Norco 10/325mg to help cope with the pain.
2. On or about January 12, 2017, Anita McDonald was indicted in the Clermont County Court of Common Pleas on three felony charges of deception to obtain dangerous drugs, theft of drugs, and aggravated possession of drugs.

CONCLUSIONS OF LAW

1. Such conduct as set forth in the Findings of Fact constitutes a violation of Section 2925.23(B)(1) of the O.R.C.
2. Such conduct as set forth in the Findings of Fact constitutes a violation of Section 2913.02(A)(3) of the O.R.C.
3. Such conduct as set forth in the Findings of Fact constitutes a violation of Section 2925.11(A) of the O.R.C.
4. Such conduct as set forth in the Findings of Fact constitutes a violation of the following divisions of Section 4729.16 of the O.R.C.:
 - a. Guilty of a felony, O.R.C. 4729.16(A)(1); and
 - b. Guilty of dishonesty or unprofessional conduct in the practice of pharmacy, O.R.C. 4729.16(A)(2); and
 - c. Guilty of willfully violating any of the provisions of this chapter...Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, O.R.C. 4729.16(A)(5).
5. Such conduct as set forth in the Findings of Fact also constitute a violation of Chapter 4729-5 of the Ohio Administrative Code (O.A.C.), which allows the Board to consider as evidence of a person not meeting the requirements for licensure in the Revised Code:

- a. Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed, O.A.C. Rule 4729-5-04(A); and
- b. Violated...any of the provisions of Chapters 4729., 3715., 3719., and 2925. of the Revised Code, or any rule adopted by the board under those provisions, O.A.C. Rule 4729-5-04(B).

DECISION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby lifts the Summary Suspension issued to Anita McDonald on January 23, 2017.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-2-23614, held by Anita McDonald and such suspension is effective as of the date of the mailing of this Order.

1. Anita McDonald, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
2. Anita McDonald, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after January 1, 2018, the Board will consider any petition for a reinstatement hearing filed by Anita McDonald, pursuant to Ohio Revised Code Chapter 119. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

1. Anita McDonald must maintain a current address with the Board throughout the duration of the suspension.
2. **Anita McDonald must include evidence of completion of a substance abuse evaluation dated within sixty days of this Board's Order and a copy must be released to the Board immediately upon completion.** The petition for reinstatement must include evidence of compliance with all recommendations of the substance abuse evaluation. Should the substance abuse evaluation require ongoing treatment or any other follow-up recommendations related to substance abuse, Anita McDonald must enter into and adhere to the terms of a **new** contract, signed within thirty days after the effective date of substance abuse evaluation, with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Failure to adhere to the terms of the treatment contract will be considered a violation of the Board's Order and subject Anita McDonald to potential sanctions up to and including revocation of license. The contract must provide that:
 - a. Random, observed urine drug screens shall be conducted at least once each month.

- b. The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - c. Alcohol and Ethyl Glucuronide (ETG) must be added to the standard urine drug screen.
 - d. Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
 - e. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the Anita McDonald in a timeframe consistent with the drug lab's recommended policy, but in any event no later than 12 days after the negative diluted screen.
 - f. The intervener/sponsor shall submit reports to the Board, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
 - g. Attendance is required a minimum of three times per calendar week (Sunday through Saturday) on separate days, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
 - h. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
3. Anita McDonald shall not refuse an employer provided drug or alcohol screen. If the Board becomes aware of any refusal or positive drug or alcohol screen results that were obtained in the course of employment, the Board shall treat refusal or a positive result as a violation of the Board's Order and request Anita McDonald reappear before the Board for possible additional sanctions, including and up to revocation of license.
4. Anita McDonald shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of suspension. The Board shall treat any such refusal as a violation of the Board's Order and request Anita McDonald reappear before the Board for possible additional sanctions, including and up to revocation of license.
5. Anita McDonald must immediately report any violation of the terms of this suspension to the Board by contacting legal@pharmacy.ohio.gov. Failure to self-report any violation shall be treated as a violation of this Board's Order and will subject Anita McDonald to possible additional sanctions, including and up to revocation of license.
6. Anita McDonald must provide, in the reinstatement petition, documentation of the following:

- a. Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
 - b. Compliance with the terms of this Order, including follow-up with all recommendations of the timely completed substance abuse evaluation.
7. If reinstatement is not accomplished within **three years** of the effective date of this Order, Anita McDonald must also show successful completion of the North American Pharmacist Licensure Examination (NAPLEX) or an equivalent examination approved by the Board.
8. Any reinstatement shall not occur until such time as any criminal intervention in lieu of conviction has been successfully completed.
9. Violation of any term of suspension, including but not limited to any violation of the contract signed with the ODMHAS or other approved treatment provider should one be required as a result of the substance abuse evaluation, may result in additional action before the Board up to and including revocation of Anita McDonald's pharmacy license.
10. Any violation of Chapters 2925., 3715., 3719., 4729., of the Ohio Revised Code, any administrative code violation or a violation of any other state or federal law will be considered a violation of this Order resulting in a hearing before the Board and may also result in criminal and/or administrative charges.
11. If Anita McDonald's employment is related to the practice of pharmacy, Anita McDonald must notify employer of the terms of Anita McDonald's suspension and this Board's Order.
12. Failure to complete the terms set forth in this Board's Order, or to petition for reinstatement within five years of the date of this Order, will result in the Board issuing a notice of opportunity for hearing to consider additional disciplinary action, including and up to revocation of Anita McDonald's license.

Mr. Weaver moved for Conclusions of Law; Mr. Passafume seconded the motion. Motion passed (Aye-5/Nay-0).

Ms. Marchal moved for Action of the Board; Mr. Wilt seconded the motion. Motion passed (Aye-5/Nay-0).

SO ORDERED.

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

TIME AND METHOD TO PERFECT AN APPEAL

Any party desiring to appeal shall file a Notice of Appeal with the Pharmacy Board, 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 with 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 any party appealing from the order 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 this Order as provided in Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: June 13, 2017

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

SWS/rlc
CMRRR:7005 0390 0001 8572 4344
C: Levi Tkach, Attorney for Respondent



**STATE OF
OHIO**
BOARD OF PHARMACY

SUMMARY SUSPENSION/ NOTICE OF OPPORTUNITY FOR HEARING

IN THE MATTER OF:

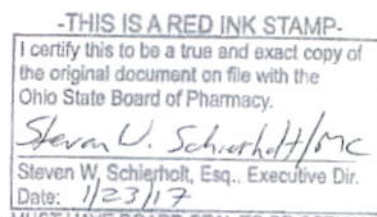
CASE NO. 2016-1623

Anita McDonald, R.Ph.
5069 Sanro Drive
Cincinnati, OH 45244

SUSPENDED License No. 03-2-23614

January 23, 2017

Dear Anita McDonald,



You are hereby notified, in accordance with Section 119.07 of the Revised Code, the State of Ohio Board of Pharmacy (Board) hereby **SUMMARILY SUSPENDS** your Ohio license as a pharmacist, License No. 03-2-23614, under authority of Sections 3719.121(B) and 4729.16 of the Revised Code.

JURISDICTION

1. Records of the Board indicate you are currently licensed to practice pharmacy in the State of Ohio under license number 03-2-23614.
2. The Board has the authority to pursue a summary suspension of a pharmacist's license pursuant to Section 3719.121 and discipline of a pharmacist license pursuant to Section 4729.16 of the Ohio Revised Code (O.R.C).

ALLEGATIONS

There is clear and convincing evidence that continuation of your professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others as set forth in Section 3719.121(B) of the O.R.C., to wit:

1. During a theft of drugs investigation, you admitted to the agents of the Board that in or around May of 2016 you were working too many hours and in a lot of pain. In order to get through another two days, you confirmed that you altered or forged prescription 2053910 to obtain 24 tablets of Norco 10/325mg to help cope with the pain.
2. On or about January 12, 2017, you were indicted in the Clermont County Court of Common Pleas on three felony charges of deception to obtain dangerous drugs, theft of drugs, and aggravated possession of drugs.

POTENTIAL VIOLATIONS OF LAW

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. Such conduct as set forth in the Allegations Section constitutes a violation of 2925.23(B)(1), Deception to obtain dangerous drugs, a felony of the fourth degree, punishable by a maximum fine of \$5,000.
2. Such conduct as set forth in the Allegations Section constitutes a violation of 2913.02(A)(3), theft of dangerous drugs, a felony of the third degree, punishable by a maximum fine of \$10,000.
3. Such conduct as set forth in the Allegations Section constitutes a violation of 2925.11(A), aggravated possession of drugs, a felony of the fifth degree, punishable by a maximum fine of \$2,500.
4. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of Section 4729.16 of the O.R.C., each violation being a minor misdemeanor, each punishable by a fine of \$150:
 - a. Guilty of a felony or gross immorality, O.R.C. 4729.16(A)(1); and/or
 - b. Guilty of dishonesty or unprofessional conduct in the practice of pharmacy, O.R.C. 4729.16(A)(2); and/or
 - c. Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, O.R.C. 4729.16(A)(3); and/or
 - d. Guilty of willfully violating any of the provisions of this chapter...Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, O.R.C. 4729.16(A)(5).
5. Such conduct as set forth in the Allegations Section, if proven, also constitute a violation of Chapter 4729-5 of the Ohio Administrative Code (O.A.C.), which allows the Board to consider as evidence of a person not meeting the requirements for licensure in the Revised Code:
 - a. Violated any state or federal law or rule regardless of the jurisdiction in which the acts were committed..., O.A.C. Rule 4729-5-04(A); and/or
 - b. Violated...any of the provisions of Chapters 4729., 3715., 3719., and 2925. of the Revised Code, or any rule adopted by the board under those provisions, O.A.C. 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, O.A.C. Rule 4729-5-04(C); and/or
 - d. Is addicted to or abusing alcohol, drugs or other chemical substances or impaired physically or mentally to such a degree as to render the pharmacist unfit to practice pharmacy, O.A.C. Rule 4729-5-04(D).

PURSUANT TO SECTION 3719.121(A) and (B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO ARE SUSPENDED. SECTION 4729.16(B) OF THE O.R.C. REQUIRES THAT YOU RETURN YOUR IDENTIFICATION CARD AND LICENSE TO THE OFFICE OF THE BOARD WITHIN 10 DAYS OF RECEIPT OF THIS NOTICE.

FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF

PHARMACY. THIS SUSPENSION SHALL REMAIN IN EFFECT UNTIL A FINAL ADJUDICATION ORDER BECOMES EFFECTIVE, DURING WHICH TIME YOU MAY NOT ENGAGE IN THE PRACTICE OF PHARMACY.

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

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

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the 30th day following the mailing of this notice, the Ohio State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

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

BY ORDER OF THE STATE BOARD OF PHARMACY


Steven W. Schierholt, Esq., Executive Director

SWS/nmd

CMRRR: 7005 0390 0001 8570 9594