



**STATE OF  
OHIO**  
BOARD OF PHARMACY

IN THE MATTER OF:

CASE NO. A-2021-0007

**Jennifer Keller, RPh**  
7574 Longmeadow Lane  
Athens, OH 45701

License No. 03-318641

### **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 Jennifer Keller, RPh, for the purpose of resolving all issues between the parties relating to the Board investigation of drug inventory security. Together, the Board and Jennifer Keller 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. Jennifer Keller is a licensed pharmacist in the state of Ohio under license number 03-318641.
3. Jennifer Keller was previously listed as the Responsible Person of The Drugstore at O'Bleness, then located at 75 Hospital Dr., Suite 130, Athens, Ohio.

#### **FACTS**

1. The Board initiated an investigation of Jennifer Keller, pharmacist license number 03-318641, and The Drugstore at O'Bleness, related to drug inventory security.
2. On or about June 14, 2023, the Board sent a Notice of Opportunity for Hearing to Jennifer Keller, 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 July 12, 2023, Jennifer Keller, through counsel Levi J. Tkach, timely requested an administrative hearing, which was subsequently scheduled for January 10, 2024

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

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

**T: (614) 466.4143 | F: (614) 752.4836 | [contact@pharmacy.ohio.gov](mailto:contact@pharmacy.ohio.gov) | [www.pharmacy.ohio.gov](http://www.pharmacy.ohio.gov)**



## 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. Jennifer Keller neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated June 14, 2023; 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. Jennifer Keller agrees to pay to the Board a monetary penalty in the amount of \$250.00. This fine will be attached to Jennifer Keller'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.license.ohio.gov](http://www.license.ohio.gov) and process the items in the cart.
4. Jennifer Keller must obtain three hours of approved continuing pharmacy education (0.3 CEUs) which may not also be used for license renewal. The 0.3 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](mailto:legal@pharmacy.ohio.gov).
5. The Board hereby imposes a written reprimand on Jennifer Keller's pharmacist license, number 03-318641.
6. Jennifer Keller agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
7. Jennifer Keller understands that she has the right to be represented by counsel for review and execution of this agreement.
8. Jennifer Keller agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including to the Board on renewal applications or applications for a new license.
9. Jennifer Keller 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.
10. 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.

11. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
12. 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.
13. 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.
14. 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:

Jennifer Keller, RPh  
Jennifer Keller, RPh, Respondent

L. Tkach  
Levi J. Tkach, Attorney for Respondent

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

1-4-24

Date of Signature

1/4/24

Date of Signature

01.10.2024

Date of Signature



**STATE OF  
OHIO**  
BOARD OF PHARMACY

-THIS IS A RED INK STAMP-

I certify this to be a true and exact copy of the original document on file with the Ohio State Board of Pharmacy.

*Steven W. Schierholt*

Steven W. Schierholt, Esq., Executive Dir.  
Date: Jun 14, 2023

-MUST HAVE BOARD SEAL TO BE OFFICIAL-

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

**IN THE MATTER OF:**

**CASE NO. A-2021-0007  
I-2020-1290**

**Jennifer Keller, RPh**  
7574 Longmeadow Lane  
Athens, OH 45701

**License No. 03-318641**

June 14, 2023

Dear Jennifer Keller, 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 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.

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T: (614) 466.4143 | F: (614) 752.4836 | [contact@pharmacy.ohio.gov](mailto:contact@pharmacy.ohio.gov) | [www.pharmacy.ohio.gov](http://www.pharmacy.ohio.gov)



3. Jennifer Keller is a licensed pharmacist in the state of Ohio under license number 03-318641, who was previously listed as the Responsible Person of The Drugstore at O'Bleness (TDDD 021621000), then located at 75 Hospital Drive, Suite 130 Athens, Ohio.

## **ALLEGATIONS**

1. From on or about February 29, 2016, to on or about April 13, 2021, you were subject to terms of a Settlement Agreement with the Board in Case No. 2016-1099. Among the terms of your Agreement was a requirement that you conduct and submit to the Board, a quarterly audit of controlled substances at the pharmacy where you were employed as a "Responsible Person."
2. On or about November 8, 2019, you became the responsible person and conducted a change of responsible person inventory at The Drugstore at O'Bleness (TDO) (TDDD 021621000), then located at 75 Hospital Drive, Suite 130 Athens, Ohio.
  - a. On or about December 2019 through April 2020, you made a total of seventy-eight manual drug edits to reconcile discrepancies between the on-hand drug counts and the RX30 dispensing software reported on-hand drug count, instead of conducting a complete audit and analysis of the drug inventory.
  - b. On January 6, 2020, and April 2, 2020, you submitted quarterly reports to the Board, as required by your Settlement Agreement with the Board in Case No. 2016-1099. The reports included drug inventory reports that indicated no discrepancies with the drug inventory and did not account for or explain the manual adjustments you made to reconcile the inventory.
3. On or about March 26, 2020, opened drug inventory, including controlled substances and dangerous drugs, was transferred to TDO from The Drugstore at OU (TDOU) (TDDD 022465850), located at 2 Health Center Dr., Athens, Ohio.
  - a. The drug inventory was transferred in totes, which were not locked or otherwise secured and were not tamper-evident. You stored the unsecured totes containing dangerous drugs and controlled substances in an unsecured office space at TDO, where employees other than the pharmacists had access to the unsecured totes of drug inventory.
  - b. The transfer of the opened drug inventory was not documented at the time of the transfer using DEA form 222, in accordance with Title 21 CFR 1305.31. DEA form 222 was not completed for the transferred schedule II inventory until on or about April 24, 2020
4. On or about October 15, 2020, you spoke with an agent of the Board. You made the following statements:
  - c. You admitted to making manual edits to the drug counts in the RX30 dispensing software in December 2019 and April 2020 for the purpose of reconciling the discrepancies between the on-hand drug counts and the RX30 reported on-hand drug count.
  - d. You stated that these adjustments to the drug counts were on inventory reports submitted to the Board as part of your probation/Consent Agreement for Case No. 2016-1099.

2. From on or about February 29, 2016, to on or about April 13, 2021, you were subject to terms of a Settlement Agreement with the Board in Case No. 2016-1099. Among the terms of your Agreement was a requirement that you conduct and submit to the Board, a quarterly audit of controlled substances at the pharmacy where you were employed as a “Responsible Person.”

### **POTENTIAL VIOLATIONS OF LAW**

1. Such conduct as set forth in paragraphs (2), (3), and (4) of the Allegations Section, if proven, constitutes a violation of the following divisions of Rule 4729:5-2-01 of the OAC as effective as of March 1, 2019, Responsible Person – Terminal Distributor, each violation punishable by a maximum of penalty of \$150:
  - a. The responsible person shall be responsible for the practice of the profession of pharmacy, including, but not limited to, the supervision and control of dangerous drugs as required in division (B) of section 4729.55 of the Revised Code, adequate safeguards as required in division (C) of section 4729.55 of the Revised Code, security and control of dangerous drugs and maintaining all drug records otherwise required, OAC 4729:5-2-01(A)(2); and/or
  - b. The person to whom the terminal distributor of dangerous drugs license has been issued and all pharmacists on duty are responsible for compliance with all state and federal laws, regulations, and rules governing the distribution of drugs and the practice of pharmacy, OAC 4729:5-2-01(A)(3); and/or
2. Such conduct as set forth in paragraphs (3)(a) of the Allegations Section, if proven, constitutes a violation of the following divisions of Rule 4729-9-11 of the OAC as effective as of August 15, 2016, Security and control of dangerous drugs, each violation punishable by a maximum of penalty of \$500:
  - a. Except as provided in rule 4729-9-11(A)(2), a pharmacist shall provide personal supervision of the dangerous drugs, exempt narcotics, hypodermics, poisons, D.E.A. controlled substance order forms, all records relating to the distribution of dangerous drugs, except where the Board has granted a permission for such records to be stored at a secure off-site location pursuant to rules 4729-9-14 and 4729-9-22 of the Administrative Code, at all times in order to deter and detect theft or diversion, OAC 4729-9-11(A)(1); and/or
  - b. Whenever personal supervision of the dangerous drugs is not provided by a pharmacist, physical or electronic security of the dangerous drugs must be provided according to the following requirements:
    - i. The prescription department or stock of dangerous drugs must be secured by either a physical barrier with suitable locks and/or an electronic barrier to detect entry at a time the pharmacist is not present. Such a barrier, before being put into use, must be approved by the state board of pharmacy, OAC 4729-9-11(A)(2)(a); and/or
    - ii. Except as provided in rule 4729-17-03 of the Administrative Code, only a pharmacist may have access to the prescription department or stock of dangerous drugs or assume responsibility for the security of dangerous drugs, exempt narcotics, hypodermics,

poisons, and any other item or product that requires the personal supervision or sale by a pharmacist, OAC 4729-9-11(A)(2)(d); and/or.

- c. Only individuals authorized under state laws or rules shall have unsupervised access to dangerous drugs, OAC 4729-9-11(E).
- 3. Such conduct as set forth in paragraphs (2), (3)(b), and (4) of the Allegations Section, if proven, constitutes a violation of the following divisions of Rule 4729-9-14 of the OAC as effective as of May 12, 2017, Records of controlled substances, each violation punishable by a maximum of penalty of \$500:
  - a. Each prescriber or terminal distributor of dangerous drugs shall keep a record of all controlled substances received, administered, personally furnished, dispensed, sold, destroyed, or used. ... Records of receipt shall contain a description of all controlled substances received, the kind and quantity of controlled substances received, the name and address of the persons from whom received, and the date of receipt, OAC 4729-9-14(A)(1).
  - b. Each prescriber or terminal distributor of dangerous drugs shall maintain an inventory of all controlled substances, OAC 4729-9-14(B)
    - i. Each inventory shall contain a complete and accurate record of all controlled substances on hand on the date the inventory is taken, OAC 4729-9-14(B)(1).
      - 1. The name of the substance, OAC 4729-9-14(B)(1)(a);
      - 2. The total quantity of the substance, OAC 4729-9-14(B)(1)(b);
      - 3. If the substance is listed in schedule I or II, the prescriber or terminal distributor of dangerous drugs shall make an exact count or measure of the contents., OAC 4729-9-14(B)(1)(c);
      - 4. If the substance is listed in schedule III, IV, or V, the prescriber or terminal distributor of dangerous drugs may make an estimated count or measure of the contents, unless the container holds more than one thousand tablets or capsules in which an exact count of the contents must be made OAC 4729-9-14(B)(1)(d).
- 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 3715.52 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. Failed to comply with an order of the board or a settlement agreement, ORC 4729.16(A)(2)(k); and/or
- d. 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).

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 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. Failed to comply with an order of the board or a settlement agreement, OAC Rule 4729:1-4-01(B)(2)(k); and/or
- d. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired vehicle registration, OAC Rule 4729:1-4-01(B)(2)(m); and/or
- e. Failed to conform to prevailing standards of care of similar pharmacists under the same or similar circumstances, whether or not actual injury to a patient is established, OAC Rule 4729:1-4-01(B)(2)(p).

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.

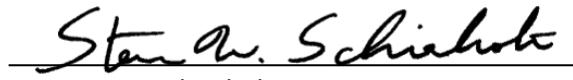
**IF YOU DESIRE A HEARING**, such request shall either be mailed to the State of Ohio Board of Pharmacy, Attn: Legal, 77 South High Street, 17<sup>th</sup> Floor, Columbus, Ohio 43215-6126 or an e-mail request may be sent to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov) (please note faxes will not be accepted). **YOUR REQUEST MUST BE RECEIVED ON OR PRIOR TO THE 30<sup>TH</sup> 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 30<sup>th</sup> 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](mailto: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



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Steven W. Schierholt, Esq., Executive Director

SWS/zas/kll

CMRRR: 9414 7118 9956 2082 1914 63



**STATE OF  
OHIO**  
BOARD OF PHARMACY

**ORDER OF THE STATE OF OHIO BOARD OF PHARMACY**

(Case Number 2016-1099)

In The Matter Of:

**Jennifer Keller, R.Ph.**  
7574 Longmeadow Lane  
Athens, OH 45701  
(License No. 03-318641)

**-THIS IS A RED INK STAMP-**

I certify this to be a true and exact copy of the original document on file with the Ohio State Board of Pharmacy.

*Steven Schierholt, BSN, CPhT*  
Steven W. Schierholt, Esq., Executive Dir.  
Date: 11/18/19

**MUST HAVE BOARD SEAL TO BE OFFICIAL**

After reviewing the request of Jennifer Keller and her employer Edward J. Zatta, Managing Partner of The Drugstore at O'Bleness, the Board hereby modifies Jennifer Keller's February 29, 2016 Settlement Agreement (Settlement) to allow her to transfer her service as the Responsible Person to The Drugstore at O'Bleness, from where she was previously authorized to serve as Responsible Person, The Drugstore at OU.

All other terms of Ms. Keller's February 29, 2016 Settlement remain in place, including Term 8: Jennifer Keller must conduct a quarterly audit of controlled substances at the pharmacy where she is employed as a "Responsible Person." A second pharmacist must participate in the audit and sign off as a witness/participant. The quarterly audit results must be submitted to the Board.

Mr. Newlon moved the Board authorize the transfer of Responsible Person duties to the Drugstore at O'Bleness, Ms. Rudell seconded the motion. Motion passed (Aye – 5/Nay – 0).

**BY ORDER OF THE STATE BOARD OF PHARMACY**

ORDER MAILED & EFFECTIVE: **November 8, 2019**

By: *Steven Schierholt, BSN, CPhT*

Steven W. Schierholt, Esq., Executive Director

SWS/nmd/kll

CMRRR: 9414 7118 9956 1935 8453 31

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IN THE MATTER OF:

OHIO PHARMACY BOARD

CASE NO. 2016-1099

Jennifer Keller, R.Ph.  
7574 Longmeadow Lane  
Athens, OH 45701

FEB 25 2016

License No. 03-3-18641

### 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 Jennifer Keller, for the purpose of resolving all issues between the parties relating to Ms. Keller's failure to report disciplinary action of a professional licensing board on her renewal applications. Together, the Board and Jennifer Keller 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 revoke, suspend, limit, place on probation, or refuse to grant or renew any license issued to practice pharmacy the state of Ohio.
2. Jennifer Keller is a licensed pharmacist under license number 03-3-18641.

#### FACTS

1. In September of 2014 and 2015, Jennifer Keller submitted renewal applications for her Ohio pharmacist license to the Board in which she failed to provide an affirmative answer to the question inquiring whether she had been the subject of disciplinary action by any state or federal agency within the last 18 months.
2. On or about October 28, 2013, Jennifer Keller entered into a Consent Agreement and Order with the West Virginia Board of Pharmacy for having created and filled illegal prescriptions for her own use.

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. Jennifer Keller neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated February 5, 2016; however, the Board has evidence sufficient to sustain the allegations and

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



hereby adjudicates the same.

3. Jennifer Keller must enter into a new contract, signed within thirty days after the effective date of this Agreement, 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. The contract must provide that:
  - a. Random, observed urine drug screens shall be conducted at least once each month for the first year and at the schedule set by the treatment provider for the remaining four years.
    - i. 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.
    - ii. Alcohol and Ethyl Glucoronide (ETG) must be added to the standard urine drug screen.
    - iii. 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.
    - iv. In the event of a negative diluted screen, a hair sample test must be completed at the cost of the Respondent 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.
  - b. 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.
  - c. 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.
  - d. The treatment program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
  - e. Jennifer Keller shall not refuse an employer provided drug or alcohol screen. If the Board becomes aware of any positive drug or alcohol screen results that were obtained in the course of employment or any mechanism other than via the signed contract with ODMHAS, the Board shall treat these results as a violation of the terms of this Agreement and request Ms. Keller to appear before the Board for possible additional sanctions, including and up to revocation of license.

- f. Jennifer Keller shall not refuse a breathalyzer or other drug testing requested by law enforcement during the duration of probation. The Board shall treat any such refusal as a violation of this Agreement and request Ms. Keller appear before the Board for possible additional sanctions, including and up to revocation of license.
- 4. Jennifer Keller must immediately report any violation of the terms of this Agreement and or any new offenses to the Board by contacting the legal department at [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov). Failure to self-report any violation shall be treated as a violation of this Agreement and will subject Respondent to possible additional sanctions, including and up to revocation of license.
- 5. Jennifer Keller must submit quarterly progress reports to the Board (due January 10, April 10, July 10, and October 10 of each year of probation) that include:
  - a. The written report and documentation provided by the treatment program pursuant to the contract, and
  - b. A written description of Jennifer Keller's progress towards recovery and what Jennifer Keller has been doing during the previous three months.
- 6. Violation of any term of the contract signed with the ODMHAS or other approved treatment provider may result in additional action before the Board up to and including revocation of your pharmacy license.
- 7. Jennifer Keller may not fill prescriptions for herself or her family members.
- 8. Jennifer Keller must continue with her current counselor/psychiatrist at the schedule required by the counselor/psychiatrist. Jennifer Keller must follow the mental health treatment plan and all recommendations; failure to do so will constitute a violation of this Agreement.
- 9. Jennifer Keller must conduct a quarterly audit of controlled substances at the pharmacy where she is employed as a "Responsible Person." A second pharmacist must participate in the audit and sign off as a witness/participant. The quarterly audit results must be submitted to the Board.
- 10. Jennifer Keller's license is deemed not in good standing until successful completion of the contract with the treatment provider.
- 11. Any violation of Chapters 2925., 3715., 3719., 4729., of the Ohio Revised Code, any administrative code violation or a violation of any other state or federal law will be considered a violation of this Agreement resulting in a hearing before the Board and may also result in criminal and/or administrative charges.
- 12. Jennifer Keller agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which she currently holds a professional license, including the Board on renewal applications or applications for a new license.
- 13. Jennifer Keller agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

14. Jennifer Keller understands that she has the right to be represented by counsel for review and execution of this agreement.
15. 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.
16. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
17. 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.
18. This Agreement shall become effective upon the date of the Board President's signature below.

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:

Jennifer Keller  
Jennifer Keller, R.Ph., Respondent

2-22-16

Date of Signature

Attorney for Respondent (if applicable)

\_\_\_\_\_  
Date of Signature

2-29-16

Date of Signature

Kilee S. Yarosh  
Kilee S. Yarosh, R.Ph., President,  
Ohio State Board of Pharmacy

Matthew Lampke  
Matthew Lampke, Ohio Assistant Attorney General

2/29/16  
Date of Signature



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

IN THE MATTER OF:

CASE NO. 2016-1099

Jennifer Keller, R.Ph.  
7574 Longmeadow Lane  
Athens, OH 45701

February 5, 2016

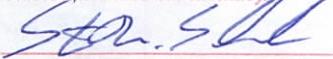
Dear Jennifer Keller,

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.

License No. 03-3-18641

-THIS IS A RED INK STAMP-

I certify this to be a true and exact copy of the original document on file with the Ohio State Board of Pharmacy.



Steven W. Schierholt, Esq., Executive Dir.

Date:

2/5/16

-MUST HAVE BOARD SEAL TO BE OFFICIAL-

**JURISDICTION**

1. Pursuant to Section 4729.16 of the Ohio Revised Code (ORC) and the rules adopted thereunder, the Board has the authority to revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card issued to a pharmacist or pharmacist applicant for reciprocal registration in the state of Ohio. Additionally, Section 4729.16 of the Revised Code grants the Board the Authority to impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or \$500 if the acts committed have not been classified as an offense by the Revised Code.
2. Rule 4729-05-04 of the Ohio Administrative Code (OAC) provides that the Board may deny the issuance of a certificate of registration or an identification card to practice pharmacy as a pharmacist in Ohio.
3. Jennifer Keller is a licensed pharmacist in the state of Ohio under license number 03910563.

**ALLEGATIONS**

1. You submitted a renewal application in September of 2014 and September of 2015. In both applications, you falsely answered "No" to the question inquiring whether you have been the subject of disciplinary action by any state or federal agency within the last 18 months. You had, in fact, been the subject of a disciplinary action resulting in a Consent Agreement and Order with the West Virginia Board of Pharmacy on October 28, 2013. The Consent Agreement and Order revealed you created and filled illegal prescriptions for your own use. West Virginia Board of Pharmacy Complaint No. 2012-03-13.

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

T: (614) 466.4143 | F: (614) 752.4836 | [contact@pharmacy.ohio.gov](mailto:contact@pharmacy.ohio.gov) | [www.pharmacy.ohio.gov](http://www.pharmacy.ohio.gov)



## POTENTIAL VIOLATIONS OF LAW

1. Such conduct as set forth in paragraphs (1) the Allegation section, if proven, constitutes Falsification, in violation of Section 2921.13(A)(5) of the ORC, a misdemeanor of the first degree, punishable by a fine of up to \$1,000.
2. Such conduct, as set forth in paragraph (1) of the Allegations Section, if proven, constitutes the following violations of the ORC, each being a minor misdemeanor, each punishable by a maximum fine of \$150:
  - a. Guilty of a felony or gross immorality, ORC Section 4729.16(A)(1); and/or
  - b. Guilty of dishonesty or unprofessional conduct in the practice of pharmacy, ORC Section 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 or pharmacy intern unfit to practice pharmacy, ORC Section 4729.16(A)(3); and/or
  - d. Guilty of willfully violating...Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board, ORC Section 4729.16(A)(5); and/or
  - e. Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter, ORC Section 4729.16(A)(10)
3. Finally, such conduct, as set forth in paragraph (1), if proven, constitutes a violation of the following Sections of Rule 4729-5-04(C) of the Ohio Administrative Code (OAC), each punishable by a maximum fine of \$500:
  - a. not being of good moral character and habits, OAC Rule 4729-5-04(C); and/or
  - b. being addicted to or abusing liquor or drugs, OAC Rule 4729-5-04(D); and/or
  - c. has been disciplined by any professional licensing board, OAC Rule 4729-5-04(F).

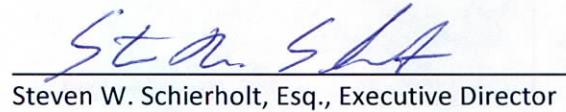
YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the Ohio State Board of Pharmacy, if you request such a hearing within thirty 30 days of the date of the mailing of this notice.

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, 17<sup>th</sup> Floor, Columbus, Ohio 43215-6126 or an e-mail request may be sent to [legal@pharmacy.ohio.gov](mailto:legal@pharmacy.ohio.gov) (**please note faxes will not be accepted**). **YOUR REQUEST MUST BE RECEIVED ON OR PRIOR TO THE 30<sup>TH</sup> DAY FOLLOWING THE MAILING DATE OF THIS NOTICE**. 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 30<sup>th</sup> 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](mailto: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



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Steven W. Schierholt, Esq., Executive Director

SWS/rbc

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