



ORDER OF THE STATE BOARD OF PHARMACY

Case Numbers A-2022-0201 & A-2022-0501

In The Matter Of:

Salaam Saleh
24566 Clareshire Drive, Unit 1
North Olmstead, OH 44070
License no. 03-438264

INTRODUCTION

The Matter of Salaam Saleh came for hearing on January 8, 2024, before the following members of the State of Ohio Board of Pharmacy (Board): Trina Buettner, RPh, *Presiding*; Mindy Ferris, RPh, Vice President; Anthony Buchta, Sr., RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christine Pfaff, RPh.

Jason George, RPh; Absent.

Salaam Saleh was not represented by Counsel. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. None

Respondent's Witnesses:

1. Salaam Saleh
2. William David Hipp

State's Exhibits:

1. Original Notice Letter
2. Board Order
3. Request for Reinstatement
4. Scheduling Order

Respondent's Exhibits:

- A. Salaam Saleh, R.Ph Curriculum Vitae

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



- B. Glenbeigh Records
- C. Mental Health Report
- D. AA/NA Meeting Logs
- E. PRO Contract
- F. PRO Participation Summary Report
- G. Letters of Support
- H. Responsible Person (RP) Roundtable and Continuing Education Requirement

FINDINGS OF FACT & DECISION OF THE BOARD

After hearing the testimony, observing the demeanor of the witnesses, considering the evidence, and weighing the credibility of each, the Board finds that Salaam Saleh has substantially complied with the terms set forth in the Board Order of the State of Ohio Board of Pharmacy, Case Nos. A-2022-0201 and A-2022-0501 dated January 13, 2023.

On the basis of the Finding 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 license no. 03-438264, held by Salaam Saleh to practice pharmacy in Ohio subject to a period of probation for five years beginning on the effective date of this Order, with the following conditions:

1. Salaam Saleh must enter into and adhere to the terms of a **new** contract, signed within thirty days after the effective date of this Order, with a Board approved treatment monitor for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Salaam Saleh should also submit to the Board documentation demonstrating compliance with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider, if applicable. Failure to adhere to the terms of the treatment contract and/or monitoring contract will be considered a violation of the Board's Order and subject Salaam Saleh to potential sanctions up to and including revocation of license. The monitoring 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 Salaam Saleh 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. Salaam Saleh must meet the daily check-in requirements of the testing center or check-in requirements as otherwise proscribed by the treatment monitor.
- 2. 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.
 - a. 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.
 - b. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- 3. Salaam Saleh 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 Board's Order and request Salaam Saleh reappear before the Board for possible additional sanctions, including and up to revocation of license.
- 4. Salaam Saleh 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 the Board's Order and request Salaam Saleh reappear before the Board for possible additional sanctions, including and up to revocation of license.
- 5. Salaam Saleh 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 Salaam Saleh's progress towards recovery and what Salaam Saleh has been doing during the previous three months, and
 - c. Proof of compliance with all terms of probation, the monitoring contract, including all terms in OAC Rule 4729:4-1-04, and proof of compliance with treatment, if applicable.
- 6. Salaam Saleh must provide copies of the board order or settlement agreement to all employers or prospective employers, all licensing authorities in which Salaam Saleh holds a professional license or applies for a professional license, and all persons who provide Salaam Saleh chemical dependency treatment or monitoring, during the effective period of this order or agreement.

7. Other terms of probation are as follows:
- a. Salaam Saleh must meet at least annually with the Board's Probation Committee, the first meeting to be held January 2025. Additional periodic appearances may be requested.
 - b. The State of Ohio Board of Pharmacy hereby declares that Salaam Saleh's pharmacist license is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraphs (K) and (O) of Rule 4729:2-1-01 of the OAC.
 - c. Salaam Saleh must obtain prior approval of the board or the board's probation committee of departures or absences in excess of ten days from the country. Periods of departure or absence shall not change the probationary term, unless otherwise determined by motion of the board or the board's probation committee. For absences of three months or longer, the board or its probation committee may toll the length of probation, other than in instances where the board or its probation committee can be assured that probationary monitoring is otherwise being performed.
 - d. Salaam Saleh may not serve as a responsible pharmacist or a designated representative in a dispensary or for home medical equipment.
 - e. Salaam Saleh may not engage in a consult agreement, unless approved by the board.
 - f. Salaam Saleh may not destroy, assist in, or witness the destruction of controlled substances.
 - g. Salaam Saleh may not work in a pharmacy more than 40 hours per week or 80 hours over a two week period.
 - h. Salaam Saleh must not violate the drug laws of Ohio, any other state, or the federal government.
 - i. Salaam Saleh must abide by the rules of the State of Ohio Board of Pharmacy.
 - j. Salaam Saleh must comply with the terms of this Order.
 - k. Salaam Saleh's license is deemed not in good standing until successful completion of the probationary period.
 - l. Salaam Saleh must provide continuing authorization for disclosure by the monitor and treatment provider (when applicable) to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for those individuals to fulfill their duties.
8. When deemed appropriate by the Board, Salaam Saleh must submit to a psychiatric evaluation, and, where appropriate, continued treatment acceptable to the Board.
9. Salaam Saleh may not request modifications to probationary terms for at least three years, however, limited, isolated deviations may be granted with approval by the Board, in exceptional circumstances.
10. Salaam Saleh 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 Salaam Saleh to possible additional sanctions, including and up to revocation of license.

11. 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 Salaam Saleh's license.
12. Periods during which Salaam Saleh is not in compliance with all probationary terms shall toll the length of time of probation, or the Board may implement additional disciplinary action in addition to or instead of tolling probation.

At the conclusion of the probationary period, the Board will issue a letter indicating whether probation has been successfully completed. If the Board determines probation has not been successfully completed, it will issue a notice of opportunity for hearing to Salaam Saleh.

T.J. Grimm moved for Findings of Fact; Mindy Ferris seconded the motion. Motion passed (Yes-7/No-0).

T.J. Grimm moved for the Decision of the Board; Mindy Ferris seconded the motion. Motion passed (Yes-7/No-0).

SO ORDERED.

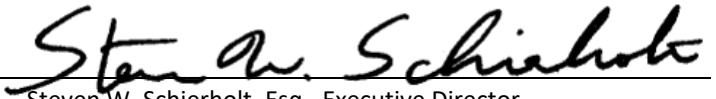
It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

TIME AND METHOD TO PERFECT AN APPEAL

Any party desiring to appeal shall file a Notice of Appeal with the State of Ohio Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, OH 43215, setting forth the order appealed from and stating that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The notice of appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The Notice of Appeal shall also be filed by the appellant in the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident. If the appellant is not a resident of and has no place of business in this state, the party may appeal to the court of common pleas of Franklin County. Such notices of appeal shall be filed within fifteen (15) days after the service of the notice of the State of Ohio Board of Pharmacy's Order as provided in Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

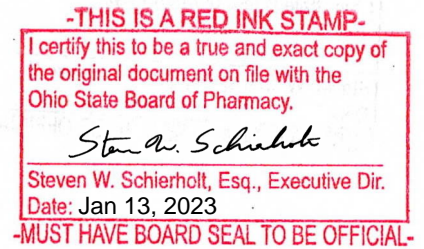
ORDER MAILED & EFFECTIVE: January 17, 2024

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

SWS/jak/kll



**STATE OF
OHIO**
BOARD OF PHARMACY



ORDER OF THE STATE BOARD OF PHARMACY
Case Numbers A-2022-0201 and A-2022-0501

In The Matter Of:

Salaam Saleh
24566 Clareshire Drive, Unit I
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License no. 03-438264

INTRODUCTION

The Matter of Salaam Saleh came for hearing on January 11, 2023, before the following members of the State of Ohio Board of Pharmacy (Board): Shawn Wilt, RPh, *Presiding*; Trina Buettner, RPh, Vice President; Mindy Ferris, RPh; Jason George, RPh; Victor Goodman, *Public Member*; T.J. Grimm, RPh; Jeff Huston, RPh; Rich Miller, RPh; and Christine Pfaff, RPh.

Salaam Saleh was represented by Gregory A. Tapoci. The State of Ohio was represented by Henry Appel, Assistant Attorney General.

SUMMARY OF EVIDENCE

State's Witnesses:

1. None

Respondent's Witnesses:

1. Salaam Saleh
2. Andy Pierron, RPh

State's Exhibits:

1. Notice Letter
2. Request for Hearing
3. Scheduling Order
4. Inspection Report (CVS)
5. Response to Inspection Report (CVS)
6. Theft and Loss Report (CVS)
7. Theft and Loss Report (CVS)



8. E-mail from Corporate Compliance (CVS)
9. Statement of Nancy Benewengo (CVS)
10. Testosterone Orders (Giant Eagle)
11. Testosterone Orders Summarized (Giant Eagle)
12. Theft and Loss Report (Giant Eagle)
13. List of Thefts from Pharmacy (non-controlled) (Giant Eagle)
14. Receipts from Stolen Gift Cards (Giant Eagle)
15. Indictment
16. Guilty Plea and Acceptance into ILC Program
17. Court Docket
18. Cost of Investigation
19. Video- July 9, 2022
20. Video- July 9, 2022
21. Video- July 10, 2022
22. Video- July 10, 2022
23. E-mails between Board Agent and Salaam Saleh

Respondent's Exhibits:

- A. Salaam Saleh, R.Ph. Curriculum Vitae
- B. Glenbeigh Records
- C. Glenbeigh IOP Certificate of Completion
- D. AA/NA Meeting Logs
- E. PRO Contract
- F. PRO Participant Summary Report
- G. Letters of Support and Certificate of Achievement
- H. Any exhibits named by the State.

FINDINGS OF FACT

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

1. From on or about October 1, 2021 through January 13, 2022, losses of controlled substances were reported at CVS Pharmacy #3028, located at 14372 Snow Road, Brook Park, Ohio, where Salaam Saleh was the responsible person. Salaam Saleh was the responsible person at CVS Pharmacy #3028 from on or about December 9, 2020 to on or about February 2, 2022. The following losses of controlled substances were reported:

- a. Six hundred and twenty-two (622) tramadol, 50mg tablets, a Schedule IV controlled substance.
 - b. Three hundred and sixty-four (364) alprazolam, 2mg tablets, a Schedule IV controlled substance.
2. On or about March 17, 2022, Salam Saleh responded to an email from an agent for the Board requesting an interview. Salaam Saleh's email said, "when I left snow rd, inventory was in good standing, however, I would gladly assist your inquiry." Although the Board attempted to schedule an interview with Salaam Saleh, no interview occurred.
 3. Salaam Saleh was observed on video footage stealing testosterone, a Schedule III controlled substance, from his employer, Giant Eagle #5831, located at 14100 Detroit Avenue, Lakewood, Ohio. The thefts occurred on the following dates:
 - a. On or about July 9, 2022, Salaam Saleh was observed stealing two testosterone multi-dose vials from a dangerous drugs drawer and placing them into his lunch box.
 - b. On or about July 10, 2022, Salaam Saleh was observed stealing four testosterone multi-dose vials from a dangerous drugs drawer and placing them into his lunch box.
 4. On or about August 30, 2022, Giant Eagle #5831 conducted an audit of the stock of testosterone. The audit found the following losses:
 - a. One (1) testosterone cypionate 200mg/ml, 10ml vial.
 - b. Four (4) testosterone cypionate 200mg/ml, 1ml vials.
 - c. Two (2) testosterone enanthate 200mg/ml, 5ml vials.

CONCLUSIONS OF LAW

1. Such conduct as set forth in paragraphs (3)(a) and (3)(b) of the Allegations Section, if proven, constitutes a violation of Section 2913.02 of the ORC, theft of a dangerous drug (Schedule III controlled substance).
2. Such conduct as set forth in paragraphs (3)(a) and (3)(b) of the Allegations Section, if proven, constitutes a violation of Section 2925.11(A) of the ORC, possession of a Schedule III controlled substance.
3. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 8, 2019 and October 9, 2021:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and/or
 - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e); and/or

- c. Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(I).
- 4. Such conduct as set forth in paragraphs (1)(a) and (1)(b) of the Allegations Section, if proven, each constitutes a violation of Rule 4729:5-2-01(A)(2) of the OAC, 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, as effective March 1, 2019 and April 25, 2022.
- 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 April 25, 2022:
 - 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)(d); and/or
 - c. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired vehicle registration, OAC Rule 4729:1-4-01(B)(2)(k).
- 6. 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:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, OAC Rule 4729:1-4-01(B)(2)(b); and/or
 - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of Chapter 4729. of the Revised Code, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925., 3796., 3719. or 4752. of the Revised Code, or any rule adopted by the board under those provisions, OAC Rule 4729:1-4-01(B)(2)(e); and/or
 - c. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired vehicle registration, OAC Rule 4729:1-4-01(B)(2)(m).

DECISION 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 to Salaam Saleh on September 1, 2022.

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 license no. 03-438264, held by Salaam Saleh and such suspension is effective as of the date of the mailing of this Order.

Salaam Saleh, pursuant to Rule 4729:1-1-01(T) 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 and/or medical marijuana during such period of suspension.

Further, after one year from the effective date of this Order, the Board will consider any petition filed by Salaam Saleh for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

1. Salaam Saleh must maintain a current address with the Board throughout the duration of the suspension.
2. Salaam Saleh must enter into and adhere to the terms of a new contract, signed within thirty days after the effective date of this Order, with a Board approved treatment monitor for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. Salaam Saleh should also submit to the Board documentation demonstrating compliance with an Ohio Department of Mental Health and Addiction Services (ODMHAS) treatment provider, if applicable. Failure to adhere to the terms of the treatment contract and/or monitoring contract will be considered a violation of the Board's Order and subject Salaam Saleh to potential sanctions up to and including revocation of license. The monitoring 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 Salaam Saleh 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. Salaam Saleh must meet the daily check-in requirements of the testing center or check-in requirements as otherwise proscribed by the treatment monitor.
 - g. 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.

- h. 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.
 - i. The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.
- 3. Salaam Saleh must obtain a mental health examination, conducted by a Board-approved provider, with the results and records being provided to the Board. Following the examination, Salaam Saleh must comply with all recommendations of the provider.
- 4. Salaam Saleh must attend a Responsible Person (RP) Roundtable.
- 5. Salaam Saleh 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 Board's Order and request Salaam Saleh reappear before the Board for possible additional sanctions, including and up to revocation of license.
- 6. Salaam Saleh 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 Salaam Saleh reappear before the Board for possible additional sanctions, including and up to revocation of license.
- 7. Salaam Saleh 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 Salaam Saleh to possible additional sanctions, including and up to revocation of license.
- 8. Salaam Saleh must demonstrate satisfactory proof to the Board that she/he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.
- 9. Salaam Saleh must provide, in the reinstatement petition, documentation of the following:
 - a. Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug and alcohol screen reports, meeting attendance records, treatment program reports, etc.);
 - b. Compliance with the continuing pharmacy education requirements set forth in 4729:1-5-02 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
 - c. Compliance with the terms of this Order.
- 10. If reinstatement is not accomplished within three years of the effective date of the Summary Suspension (September 1, 2022), Salaam Saleh must also show successful completion of the North

American Pharmacist Licensure Examination (NAPLEX) and the Multistate Pharmacy Jurisprudence Exam (MPJE), or an equivalent examination(s) approved by the Board.

11. Salaam Saleh must provide continuing authorization for disclosure by the monitor and treatment provider (when applicable) to the Board, to treating and monitoring physicians, and to others involved in the monitoring process, of information necessary for those individuals to fulfill their duties.
12. When deemed appropriate by the Board, Salaam Saleh must submit to a psychiatric evaluation, and, where appropriate, continued treatment acceptable to the Board.
13. Salaam Saleh must obtain prior approval of the board or the board's probation committee of departures or absences in excess of ten days from the country. Periods of departure or absence shall not change the probationary term, unless otherwise determined by motion of the board or the board's probation committee. For absences of three months or longer, the board or its probation committee may toll the length of suspension, other than in instances where the board or its probation committee can be assured that monitoring is otherwise being performed.
14. Violation of any term of suspension, including but not limited to any violation of the contract signed with the treatment monitor and/or ODMHAS or other approved treatment provider may result in additional action before the Board up to and including revocation of your pharmacy license.
15. Any violation of Chapters 2925., 3715., 3719., 4729., of the Ohio Revised Code, any administrative code violation or a violation of any other state, federal, or local 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.
16. Periods during which Salaam Saleh is not in compliance with all terms of suspension shall toll the length of time of suspension during which Salaam Saleh was out of compliance. The minimum length of time each violation will toll the suspension term is available on the Board's website, www.pharmacy.ohio.gov. The Board may implement additional disciplinary action in addition to or instead of tolling suspension.
17. If Salaam Saleh's employment is related to the practice of pharmacy, Salaam Saleh must provide copies of the board order or settlement agreement to all employers or prospective employers, all licensing authorities in which Salaam Saleh holds a professional license or applies for a professional license, all persons who provide Salaam Saleh chemical dependency treatment monitoring, and law enforcement and court personnel if Salaam Saleh has court involvement, such as ILC, drug court or diversion, related the suspension, during the effective period of this order or agreement.
18. 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, may result in the Board issuing a notice of opportunity for hearing to consider additional disciplinary action, including and up to revocation of Salaam Saleh's license.

Further, the Board hereby grants the Respondent's Motion to Seal the Record in this matter including, but not limited to, all confidential patient health information contained in the record, specifically Respondent's exhibits: B and C.

Rich Miller moved for Findings of Fact; Trina Buettner seconded the motion. Motion passed (Aye-8/Nay-0).

T.J. Grimm moved for Conclusions of Law; Christina Pfaff seconded the motion. Motion passed (Aye-8/Nay-0).

Trina Buettner moved for Action of the Board; Mindy Ferris seconded the motion. Motion passed (Aye-8/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.

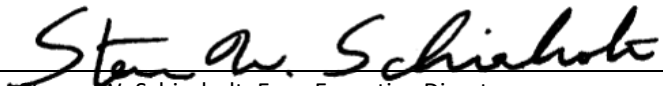
TIME AND METHOD TO PERFECT AN APPEAL

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BY ORDER OF THE STATE BOARD OF PHARMACY

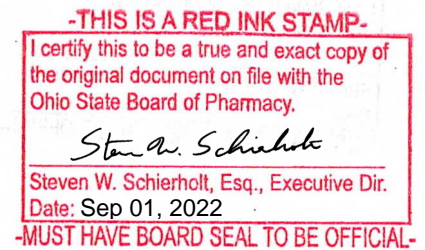
ORDER MAILED & EFFECTIVE: January 13, 2023

By: _____


Steven W. Schierholt, Esq., Executive Director

SWS/jak/kll

CMRRR: 9414 7118 9956 2182 2453 70



SUMMARY SUSPENSION/NOTICE OF OPPORTUNITY FOR HEARING

IN THE MATTER OF:

CASE NOS. A-2022-0201
A-2022-0501

Saleem Saleh, R.Ph.
24566 Clareshire Drive, Unit I
North Olmsted, OH 44070

SUSPENDED License No. 03-438264

September 1, 2022

Dear Mr. Saleem Saleh, R.Ph.:

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. 03-438264, under authority of Sections 3719.121 and 4729.16 of the Revised Code.

PURSUANT TO RULE 4729:1-1-01(T) 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.

JURISDICTION

1. Records of the Board indicate you are currently licensed to practice pharmacy in the State of Ohio under license number 03-438264.
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 (ORC).
3. The Board may suspend the license of a pharmacist if there is clear and convincing evidence that continuation of the person's professional practice or method of administering, prescribing, preparing, distributing, dispensing, or personally furnishing controlled substances or other dangerous drugs presents a danger of immediate and serious harm to others. ORC Section 3719.121(B).
4. You were listed as the Responsible Person at CVS Pharmacy #3028, located at 14372 Snow Road, Brook Park, Ohio, from on or about December 9, 2020, to on or about February 2, 2022.



ALLEGATIONS

1. From on or about October 1, 2021 through January 13, 2022, losses of controlled substances were reported at CVS Pharmacy #3028, located at 14372 Snow Road, Brook Park, Ohio, where you were the responsible person. You were the responsible person at CVS Pharmacy #3028 from on or about December 9, 2020 to on or about February 2, 2022. The following losses of controlled substances were reported:
 - a. Six hundred and twenty-two (622) tramadol, 50mg tablets, a Schedule IV controlled substance.
 - b. Three hundred and sixty-four (364) alprazolam, 2mg tablets, a Schedule IV controlled substance.
2. On or about March 17, 2022, you responded to an email from an agent for the Board requesting an interview. Your email said, "when I left snow rd, inventory was in good standing, however, I would gladly assist your inquiry." Although the Board attempted to schedule an interview with you, no interview occurred.
3. You were observed on video footage stealing testosterone, a Schedule III controlled substance, from your employer, Giant Eagle #5831, located at 14100 Detroit Avenue, Lakewood, Ohio. The thefts occurred on the following dates:
 - a. On or about July 9, 2022, you were observed stealing two testosterone multi-dose vials from a dangerous drugs drawer and placing them into your lunch box.
 - b. On or about July 10, 2022, you were observed stealing four testosterone multi-dose vials from a dangerous drugs drawer and placing them into your lunch box.
4. On or about August 30, 2022, Giant Eagle #5831 conducted an audit of the stock of testosterone. The audit found the following losses:
 - a. One (1) testosterone cypionate 200mg/ml, 10ml vial.
 - b. Four (4) testosterone cypionate 200mg/ml, 1ml vials.
 - c. Two (2) testosterone enanthate 200mg/ml, 5ml vials.

POTENTIAL VIOLATIONS OF LAW

1. Such conduct as set forth in paragraphs (3)(a) and (3)(b) of the Allegations Section, if proven, constitutes a violation of Section 2913.02 of the ORC, theft of a dangerous drug (Schedule III controlled substance), each a felony of the fourth degree, punishable by a maximum fine of \$5,000.
2. Such conduct as set forth in paragraphs (3)(a) and (3)(b) of the Allegations Section, if proven, constitutes a violation of Section 2925.11(A) of the ORC, possession of a Schedule III controlled substance, each a misdemeanor of the first degree, punishable by a maximum fine of \$1,000.

3. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following divisions of (A) of section 4729.16 of the ORC effective as of April 8, 2019 and October 9, 2021, each violation constituting a minor misdemeanor, each punishable by a maximum penalty of \$150:
 - a. Engaged in dishonesty or unprofessional conduct in the practice of pharmacy, ORC 4729.16 Section (A)(2)(b); and/or
 - b. Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions, ORC 4729.16(A)(2)(e); and/or
 - c. Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code, ORC Section 4729.16(A)(2)(l).
4. Such conduct as set forth in paragraphs (1)(a) and (1)(b) of the Allegations Section, if proven, each constitutes a violation of Rule 4729:5-2-01(A)(2) of the OAC, 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, as effective March 1, 2019 and April 25, 2022, each violation punishable by a maximum penalty of \$500.
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 April 25, 2022, 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)(d); and/or
 - c. Violated any state or federal law, regulation or rule regardless of the jurisdiction in which the acts were committed, except for minor traffic violations such as parking violations, speeding tickets and violations such as failure to obey a red light, failure to use a turn signal or expired vehicle registration, OAC Rule 4729:1-4-01(B)(2)(k).
6. 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. Committed an act involving moral turpitude that constitutes a misdemeanor or felony in this state, regardless of the jurisdiction in which the act was committed, OAC Rule 4729:1-4-01(B)(2)(l); 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).

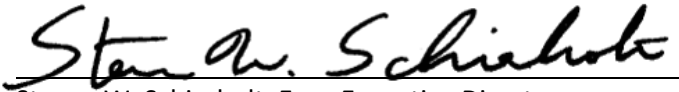
YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the State of Ohio Board of Pharmacy, if you request such a hearing within thirty 30 days of the date of the mailing of this notice.

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, and may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division RC 4729.16(A).

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

BY ORDER OF THE STATE OF OHIO BOARD OF PHARMACY


Steven W. Schierholt, Esq., Executive Director

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CMRRR: 9414 7118 9956 1205 1048 09

cc: CVS Pharmacy #3028, c/o Celine Raible, 14372 Snow Road, Brook Park, OH 44142

Giant Eagle Pharmacy #5831, c/o Ken Miller, 14100 Detroit Avenue, Lakewood, Ohio 44107