



-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: 8/15/2023

-MUST HAVE BOARD SEAL TO BE OFFICIAL-

BEFORE THE STATE OF OHIO BOARD OF PHARMACY

In the Matter of	:	
	:	Case No. A-2020-0616
Jennifer Schulte	:	
23188 State Route 1	:	Registration No. 09-303609
Guilford, IN 47022	:	
	:	
Respondent.	:	

FINAL ORDER OF THE STATE OF OHIO BOARD OF PHARMACY

Jennifer Schulte (“Respondent”) was issued a registration as a certified pharmacy technician by the State of Ohio Board of Pharmacy on March 12, 2018. The Board issued a Notice of Opportunity for Hearing (“Notice”) to Respondent on May 19, 2022, via certified mail, return receipt requested. Respondent received the Notice on May 31, 2022. Pursuant to Ohio Revised Code (ORC) Section 119.07, Respondent had a right to a hearing if requested within 30 days of mailing. Respondent failed to do so. Accordingly, no hearing was held and the matter was brought before the Board on August 7, 2023, for final adjudication pursuant to ORC 119.07, 4729.16(F), and 4729.96(D).

WHEREFORE, after review of the administrative record, the Board finds that Respondent was legally served with the Notice and informed of the allegations contained therein and the rights afforded pursuant to ORC Chapter 119.

WHEREFORE, after review of the administrative record and pursuant to ORC 4729.96(A)(1) and Ohio Administrative Code (OAC) 4729:3-4-01(B), the Board finds and concludes that Respondent engaged in conduct set forth in ORC 4729.96(A)(2) and OAC 4729:3-4-01(C) and all violations of law as described in the Notice. Based on the findings contained herein, the Board ORDERS as follows:

1. The Board hereby imposes a written reprimand on Respondent’s certified pharmacy technician registration, no. 09-303609.
2. The Board hereby imposes a fine in the amount of \$100.00.
3. This Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which Respondent currently holds a professional license, including to the Board on renewal applications or applications for a new license or registration.

Service of this Order shall be perfected in accordance with the requirements of ORC Chapter 119.

Shawn Wilt, RPh, moved for the findings and decision of the Board. Rich Miller, RPh, seconded the motion. Motion passed (Yes-7/No-0).

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



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 mailing of the notice of the State of Ohio Board of Pharmacy's Order as provided in ORC 119.12.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: **August 15, 2023**

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

SWS/zas/jrn

CMRRR: 9414 7118 9956 2008 3201 20



**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: 5/19/2022

-MUST HAVE BOARD SEAL TO BE OFFICIAL-

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

IN THE MATTER OF:

Case No. A-2020-0616

Jennifer Schulte
23188 State Route 1
Guilford, IN 47022

Registration No. 09-303609

May 19, 2022

Dear Jennifer Schulte:

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 disciplinary action against your technician registration due to violations of Chapter 4729. of the Revised Code and Section 4729:3 of the Administrative Code under authority of Section 4729.96 of the Revised Code.

JURISDICTION

1. Pursuant to division (A)(1) of Section 4729.96 (effective October 9, 2021) of the Ohio Revised Code (ORC), and Rule 4729:3-4-01 of the Ohio Administrative Code (OAC) (effective May 30, 2020) the Board may impose any one or more of the following sanctions on a certified pharmacy technician if the board finds the individual engaged in any of the conduct set forth in division (A)(2) of Section 4729.96:
 - a. Revoke, suspend, restrict, limit, or refuse to grant or renew a license, ORC 4729.96(A)(1)(a) OAC 4729:3-4-01(B)(1); and/or
 - b. Reprimand or place the license holder on probation, ORC 4729.96(A)(1)(b), OAC 4729:3-4-01(B)(2); 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 4729.96(A)(1)(c), OAC 4729:3-4-01(B)(3).
2. Jennifer Schulte is a certified pharmacy technician in the state of Ohio under registration number 09-303609.

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



ALLEGATIONS

1. On or about August 22, 2019, while you were working at Kroger Pharmacy #014445, located at 4001 OH-128, Cleves, OH 45002, prescription # 6742841 was processed for patient V.D. The prescription was for hydroxyzine HCl 25mg tablets, 1 tablet every six hours as needed. However, prescription #6742841 was dispensed as hydrochlorothiazide 25 mg tablets with the same instructions. You incorrectly entered the prescription as hydrochlorothiazide 25 mg into the pharmacy's system and Lisa Weisenbach was the pharmacist of record for the prescription. Although Weisenbach verified the prescription, she did not catch the error, overrode a DUR alert for high dosage, and patient V.D. received the incorrect medication.
2. Patient V.D. ingested approximately 8 tablets of the incorrect medication pursuant to the instructions on the label. Patient V.D. was hospitalized August 29-31, 2019, and experienced the following:
 - a. Acute kidney injury/acute renal failure due to dehydration and probable over-diuresing;
 - b. Hypokalemia;
 - c. Worsening chronic kidney disease;
 - d. Dehydration;
 - e. General weakness;
 - f. Lightheadedness;
 - g. Shortness of breath and difficulty breathing;
 - h. Increased anxiety; and/or
 - i. Financial hardship due to hospital admission.

POTENTIAL VIOLATIONS OF LAW

1. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of section 3715.52(A)(2) of the ORC, the adulteration or misbranding of any food, drug, device, or cosmetic, a misdemeanor of the fourth degree, punishable by a maximum penalty of \$250.
2. Such conduct as set forth in the Allegations Section, if proven, constitutes the following violations of section 3715.64 of the ORC, Misbranding, each violation punishable by a maximum penalty of \$150:
 - a. The drug sold or dispensed is not the brand or drug specifically prescribed or ordered or, when dispensed by a pharmacist upon prescription, is neither the brand or drug prescribed nor a generically equivalent drug, ORC Section 3715.64(A)(10)(d).
 - b. Any drug dispensed pursuant to a written, electronic, or oral prescription of a licensed health professional authorized to prescribe drugs shall be exempt from the requirements of division (A) of this section, except divisions (A)(1) and (10) of this section, if the drug bears a label containing the name and address of the dispenser, the serial number and the date the prescription is dispensed, the name of the prescriber, the name of the patient, and, if stated in the prescription, the directions for use and cautionary statements, ORC Section 3715.64(B)(1).
3. Such conduct as set forth in the Allegations Section, if proven, also constitutes a violation of the following provisions of Rule 4729-5-20(A) of the OAC, as effective March 1, 2017, punishable by a maximum penalty of \$500:
 - a. Over-utilization or under-utilization, OAC Rule 4729-5-20(A)(1); and/or

- b. Therapeutic duplication, OAC Rule 4729-5-20(A)(2); and/or
 - c. Incorrect drug dosage, OAC Rule 4729-5-20(A)(2).
4. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following divisions of (A) of section 4729.96 of the ORC, as effective April 6, 2017, each violation constituting a minor misdemeanor, each punishable by a maximum penalty of \$150:
- a. Engaged in dishonesty or unprofessional conduct, as prescribed in rules adopted by the board under section 4729.94 of the Revised Code, ORC 4729.96 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 4729.96 Section (A)(2)(d); and/or
 - c. Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted by the board under section 4729.94 of the Revised Code, ORC Section 4729.96(A)(2)(g).
5. Such conduct as set forth in the Allegations section, if proven, constitutes a violation of each of the following divisions of Rule 4729:3-4-01 of the OAC, as effective March 1, 2019, each violation punishable by a maximum penalty of \$500:
- a. Has engaged in any of the conduct specified in division (A)(2) of section 4729.96 of the Revised Code, OAC Rule 4729:3-4-01(C)(1); and/or
 - b. Violated any state or federal law 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 registration, OAC Rule 4729:3-4-01(C)(2); and/or
 - c. Engaged in dishonesty or unprofessional conduct, OAC Rule 4729:3-4-01(C)(9).

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

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

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the 30th day following the mailing of this notice, the State of Ohio Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing, and may adopt a final order that contains the board's findings. In the final order, the board may impose any of the sanctions listed in division RC 4729.96(A).

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

BY ORDER OF THE STATE BOARD OF PHARMACY



Steven W. Schierholt, Esq., Executive Director

SWS/mlw/jrn

Enclosure: Patient ID Key

CMRRR: 9414 7118 9956 2880 5395 35