

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**  
(Docket No. D-001103-017)

In the Matter of:

**SULLIVANT PRESCRIPTION CENTER**  
c/o Dale Cochran, R.Ph.  
3595 Sullivant Avenue  
Columbus, Ohio 43228  
(Terminal Distributor No. 02-1144150)

This Settlement Agreement is entered into by and between Sullivant Prescription Center and the Ohio State Board of Pharmacy, a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

Sullivant Prescription Center enters into this Agreement being fully informed of its rights afforded under Chapter 119. of the Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudication hearing on the issues contained herein.

Sullivant Prescription Center is knowingly and voluntarily acknowledging that, in order to settle the charges that have been filed by the Board against Sullivant Prescription Center, and in order to obviate the need to conduct an administrative hearing to consider the disciplinary sanctions against Sullivant Prescription Center's license, this Agreement is entered into on the basis of the following stipulations, admissions, and understandings:

- (A) The Ohio State Board of Pharmacy is empowered by Section 4729.57 of the Ohio Revised Code to suspend, revoke, refuse to grant or renew an identification card, or impose a monetary penalty on the license holder for violation of any of the enumerated grounds.
- (B) Sullivant Prescription Center neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated November 3, 2000; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same:
  - (1) Records of the Ohio State Board of Pharmacy indicate that Dale Cochran is the Responsible Pharmacist at Sullivant Prescription Center pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
  - (2) Sullivant Prescription Center has ceased to satisfy the qualifications of a terminal distributor of dangerous drugs as set forth in Section 4729.55 of the Ohio Revised Code, to wit: adequate safeguards were not assured to prevent the sale or other distribution of dangerous drugs by any person other than a pharmacist or licensed health professional in that pharmacy technicians were routinely permitted to receive and interpret telephoned prescriptions. The following are representative samples:

<u>Rx No.</u>	<u>Drug/Strength</u>	<u>Qty.</u>	<u>Date.</u>	<u>R.Ph.</u>
4000102	Hydrocodone/APAP 5/500	30	08/10/99	DC
4000106	Lorazepam .5mg	30	08/10/99	DC
4000416	Hydrocodone/APAP 5/500	30	09/14/99	DC
4000463	Propoxyphene/N 100	40	09/20/99	DC
4000714	Oxazepam 30mg	30	10/15/99	DC
4000776	Hydrocodone/APAP 5/500	30	10/21/99	DC
4001043	Hydrocodone/APAP 5/500	60	11/17/99	DC
4001047	Hydrocodone/APAP 5/500	30	11/18/99	DC
4001300	Alprazolam .5mg	30	12/14/99	DC
4001329	Propoxyphene/N 100	15	12/20/99	DC
4001451	Propoxyphene/N 100	30	01/17/00	DC
4001452	Diazepam 5mg	30	01/17/00	DC
4001612	Ambien 10mg	30	02/10/00	DC
4001674	Diazepam 5mg	20	02/18/00	DC
4001816	Oxazepam 30mg	60	03/03/00	DC
4001880	Ambien 10mg	30	03/10/00	DC
4002159	Propoxyphene/N 100	45	04/07/00	DC
4002160	Diazepam 10mg	30	04/07/00	DC
4002400	Propoxyphene/N 100	60	05/03/00	DC
4002401	Diazepam 5mg	60	05/03/00	DC

Such conduct indicates that Sullivant Prescription Center has ceased to satisfy the qualifications of a terminal distributor of dangerous drugs within the meaning of Section 4729.57 of the Ohio Revised Code.

- (3) Sullivant Prescription Center did, on or about August 15, 2000, and dates immediately preceding, permit persons other than a registered pharmacist to possess keys to a pharmacy which is not secured by a physical barricade when personal supervision of the dangerous drug stock was not provided, to wit: the pharmacy allowed William Powers and Bonnie Taylor, not registered pharmacists, to possess keys and the alarm access code to the pharmacy. Such conduct is in violation of Rule 4729-9-11 of the Ohio Administrative Code and Section 4729.27 of the Ohio Revised Code, and constitutes violating a rule of the Board and/or a provision of Chapter 4729. of the Ohio Revised Code within the meaning of Section 4729.57 of the Ohio Revised Code.
- (4) Sullivant Prescription Center did fail to provide effective and approved controls and procedures to deter and detect theft and diversion of dangerous drugs, to wit: the following drugs were diverted from the pharmacy without the knowledge or suspicion of the Responsible Pharmacist due to the policies and procedures of the pharmacy:

<u>Rx No.</u>	<u>Drug/Strength</u>	<u>Qty.</u>	<u>Date.</u>	<u>R.Ph.</u>
6009060	Carisoprodol 350mg	90	03/07/00	DC
4001987	Hydrocodone/APAP 7.5/750	60	03/20/00	DC
2000363	Oxycodone/APAP 5/325	60	03/24/00	DC
4002052	Hydrocodone/APAP 5/500	60	03/27/00	DN
4002053	Phentermine 37.5mg	30	03/27/00	DN

6010152	Amantadine 100mg	10	03/30/00	JE
6010153	Guaifenesin/PPA 400	20	03/30/00	JE
6010154	Benzonatate 100mg	30	03/30/00	JE
4002115	Hydrocodone/APAP 7.5/750	90	04/03/00	SC
6010252	Carisoprodol 350mg	90	04/03/00	SC
4002111	Hydrocodone/APAP 7.5/750	90	04/03/00	SC
4002124	Diazepam 10mg	90	04/04/00	DC
4002306	Hydrocodone/APAP 7.5/750	90	04/24/00	DC
6011177	Butalbital/APAP/Caffeine	90	04/24/00	DC
6011510	Butalbital/APAP/Caffeine	40	05/01/00	DC

Such conduct is in violation of Rule 4729-9-05 of the Ohio Administrative Code, and constitutes violating a rule of the Board within the meaning of Section 4729.57 of the Ohio Revised Code.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Sullivant Prescription Center knowingly and voluntarily agrees with the State Board of Pharmacy to the following resolution:

- (A) Sullivant Prescription Center has instituted policies and procedures to correct the foregoing deficiencies and to comply with the Ohio Revised Code and Ohio Administrative Code.
- (B) Sullivant Prescription Center agrees to the imposition of a monetary penalty of one thousand dollars (\$1,000.00) due and owing within thirty days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed forms to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126.

Sullivant Prescription Center acknowledges that it has had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory manner.

Sullivant Prescription Center waives any and all claims or causes of action it may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement. Sullivant Prescription Center waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

This Settlement Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the date of the Board President's signature below.

**SIGNED AND EFFECTIVE MARCH 5, 2001**