



OHIO STATE BOARD OF PHARMACY

77 South High Street, 17th Floor; Columbus, Ohio 43266-0320

-Equal Opportunity Employer and Service Provider-

PHONE: 614/466-4143

FAX: 614/752-4836

E-MAIL: bop_butler@ohio.gov

TTY/TDD Ohio Relay Service: 1-800/750-0750

URL: <http://www.state.oh.us/pharmacy/>

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-970529-040)

In The Matter Of:

JAMES N. KING, R.Ph.

723 Racine Avenue

Columbus, Ohio 43204

(R.Ph. No. 03-1-07265)

This Settlement Agreement is entered into by and between James N. King 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.

James N. King enters into this Agreement being fully informed of his 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.

James N. King is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges being filed by the Board against James N. King and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against James N. King's license to practice pharmacy in the state of Ohio, 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 4729.16 of the Ohio Revised Code to suspend, revoke, place on probation, 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) Attached to and incorporated herein as State's Exhibit 1B1 is the Notice of Opportunity letter dated May 29, 1997. James N. King neither admits nor denies the allegations stated in the Notice; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, James N. King knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) A 30-day suspension of his pharmacist identification card, No. 03-1-07265, and such suspension is effective as of the date of the Agreement. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, James N. King may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

- (B) Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of the notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.
- (C) Upon reinstatement of James N. King's pharmacist identification card, No. 03-1-07265, will be placed on probation for one year. The terms of probation are as follows:
- (1) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of pharmacy hereby declares that James N. King's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
 - (2) James N. King may not serve as a responsible pharmacist.
 - (3) James N. King must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (4) James N. King must abide by the rules of the Ohio State Board of Pharmacy.
 - (5) James N. King must comply with the terms of this Order.
 - (6) James N. King must take and successfully complete the jurisprudence examination offered by the Board on February 3, 1998, or June 30, 1998. If James N. King has not successfully completed the examination prior to July 15, 1998, his license will be suspended until this condition has been achieved.

The Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

- (D) James N. King 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. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320.

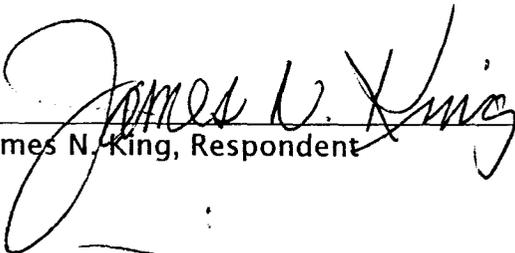
If, in the judgment of the Board, James N. King appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to, at any time, revoke probation, modify the conditions of probation, and reduce or extend the period of probation, and/or the Board may institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violation of the laws of Ohio occurring before the effective date of this Agreement.

James N. King acknowledges that he 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. Any action initiated by the Board based on alleged violation of this Agreement shall comply with the Administrative Procedure Act, Chapter 119. of the Ohio Revised Code.

James N. King waives any and all claims or causes of action he 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.

In the event the Board, in its discretion, does not adopt this Agreement as its Adjudication, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. James N. King agrees that should the Board reject this Agreement and if this case proceeds to hearing, he will assert no claim that the Board was prejudiced by its review and discussion of this Agreement or of any information relating thereto.

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 Board President's signature below.



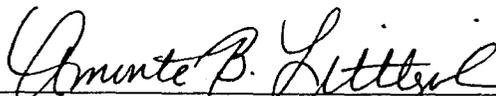
James N. King, Respondent

Dec 8 1997
Date of Signature



David C. Winters, Attorney for Respondent

8 December 97
Date of Signature



Amonte B. Littlejohn, President, Ohio State Board of Pharmacy

1-14-98
Date of Signature



Sally Ann Steuk, Ohio Assistant Attorney General

12-9-97
Date of Signature