



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-980511-059)

In The Matter Of:

RUTH ANNE ROBERTS, R.Ph.

517 East Fox Den

Knoxville, Tennessee 37922

(R.Ph. No. 03-1-07989)

This Settlement Agreement is entered into by and between Ruth Anne Roberts 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.

Ruth Anne Roberts enters into this Agreement being fully informed of her 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.

Ruth Anne Roberts is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against Ruth Anne Roberts and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Ruth Anne Roberts'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) Ruth Anne Roberts 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:
 - (1) Records of the Board of Pharmacy indicate that Ruth Anne Roberts was originally licensed in the State of Ohio on August 19, 1963, pursuant to examination and is currently licensed to practice pharmacy in the state of Ohio.
 - (2) Ruth Anne Roberts did, on or about June 20, 1997, plead guilty to five (5) counts of Unlawful Dispensing or Distributing of Controlled Substances, in violation of the Tennessee Code Annotated Sections 53-11-301 through 53-11-401, Class D Felonies. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

- (3) Ruth Anne Roberts did, on or about March 26, 1997, sign a Consent Order with the Tennessee Board of Pharmacy wherein she was suspended for four (4) years, with all but ninety (90) days of the said period of suspension stayed, and with the remaining suspension after the ninety (90) days being a period of probation subject to several conditions.

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

- (A) The indefinite suspension of her pharmacist identification card, No. 03-1-07989.
 - (1) Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Ruth Anne Roberts may not be employed by or work in a facility licensed by the Ohio State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
 - (2) Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is revoked, suspended, or refused, shall return her 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.
- (B) Ruth Anne Roberts must petition the Board for reinstatement of the Ohio pharmacist license, which is the only pharmacist license held by Ruth Anne Roberts pursuant to examination. If the petition for reinstatement is for the purpose of reciprocity, the Ohio license will be reinstated upon receipt by the Board of a letter from the Tennessee Board of Pharmacy stating that the Tennessee pharmacist license held by Ruth Anne Roberts is in good standing at the time of the petition, and that she has continually practiced pharmacy in the State of Tennessee. If Ruth Anne Roberts subsequently desires to practice pharmacy in Ohio upon the license reinstated for the purpose of reciprocity, she shall notify the Board, and at the election of the Board, appear at a hearing prior to engaging in practice in Ohio. Finally, if at the time of first petitioning the Board for reinstatement of the Ohio license the purpose is to practice pharmacy in Ohio, Ruth Anne Roberts shall personally appear at the hearing on the petition.

If, in the judgment of the Board, Ruth Anne Roberts 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.

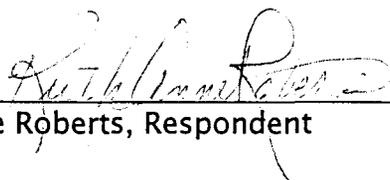
Ruth Anne Roberts acknowledges that she has had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory manner. Any action initiated by the Board based on alleged violation of this

Agreement shall comply with the Administrative Procedure Act, Chapter 119. of the Ohio Revised Code.

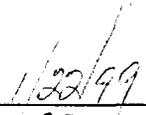
Ruth Anne Roberts waives any and all claims or causes of action she may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement. Ruth Anne Roberts waives any rights of appeal pursuant to Chapter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

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. Ruth Anne Roberts agrees that should the Board reject this Agreement and if this case proceeds to hearing, she 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.



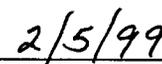
Ruth Anne Roberts, Respondent



Date of Signature



Walter L. Fitzgerald, Jr., Attorney for Respondent



Date of Signature



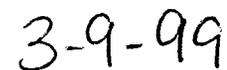
Joseph J. Maslak, Jr., President, Ohio State Board of Pharmacy



Date of Signature



Sally Ann Steuk, Ohio Assistant Attorney General



Date of Signature