



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

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URL: <http://www.pharmacy.ohio.gov>

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-040810-014)

In The Matter Of:

JOHN P. HARRINGTON, R.Ph.
7654 East Harford
Scottsdale, Arizona 85255
(R.Ph. No. 03-1-08362)

This Settlement Agreement is entered into by and between John P. Harrington 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.

John P. Harrington voluntarily 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, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. John P. Harrington acknowledges that by entering into this agreement he has waived his rights under Chapter 119. of the Revised Code.

Whereas, the Board 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 enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, John P. Harrington is licensed to practice pharmacy in Ohio.

Whereas, on or about August 10, 2004, pursuant to Chapter 119. of the Ohio Revised Code, John P. Harrington was notified of the allegations or charges against him, his right to a hearing, his rights in such hearing, and his right to submit contentions in writing. John P. Harrington requested a hearing; it was scheduled and continued. The August 10, 2004, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that John P. Harrington was originally licensed by the State of Ohio as a pharmacist on August 16, 1965, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) John P. Harrington did, on or about March 7, 2004, knowingly possess a false or forged prescription, to wit: John P. Harrington received a forged prescription for 1,000 unit doses of meprobamate 400 mg, a Schedule IV Controlled Substance; John P. Harrington filled the prescription, assigning it Rx #495945, and kept it on

file at the pharmacy. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

- (3) John P. Harrington did, on or about March 7, 2004, knowingly sell a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John P. Harrington sold 1,000 unit doses of meprobamate 400 mg, a Schedule IV Controlled Substance, pursuant to a forged prescription, Rx #495945. Such conduct is in violation of Section 2925.03 of the Ohio Revised Code.

John P. Harrington neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated August 10, 2004; 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 a formal hearing at this time, John P. Harrington knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(A) John P. Harrington agrees to the imposition of a monetary penalty of two thousand dollars (\$2000.00) and payment of the monetary penalty is due and owing within thirty (30) days from the effective date of this Agreement. The remittance 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 43215-6126.

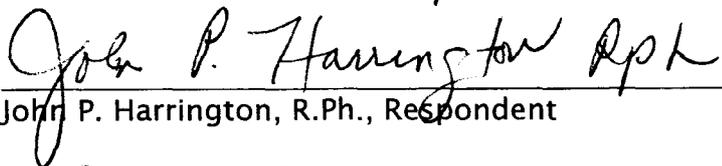
(B) John P. Harrington may not dispense prescriptions for Morton H. Pierce or his wife.

If, in the judgment of the Board, John P. Harrington 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.

John P. Harrington 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.

John P. Harrington 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. John P. Harrington 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.



John P. Harrington, R.Ph., Respondent

8/7/05
Date of Signature



Elizabeth Y. Collis, Attorney for Respondent

8/15/05
Date of Signature



Suzanne R. Eastman, President, Ohio State Board of Pharmacy

9/13/05
Date of Signature



Sally Ann Steuk, Ohio Assistant Attorney General

9-13-05
Date of Signature