



OHIO STATE BOARD OF PHARMACY

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
(Docket No. D-990511-046)

In The Matter Of:

WILLIAM EATON URFER, R.Ph.
3130 Santos
Kalamazoo, Michigan 49007
(R.Ph. No. 03-1-08830)

This Settlement Agreement is entered into by and between William Eaton Urfer 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.

William Eaton Urfer 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 in the issues contained herein.

William Eaton Urfer is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against him and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against his license to practice pharmacy in the state of Ohio, this Agreement is entered into on the basis of the following stipulations, admissions, and understandings:

- (1) 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.
- (2) William Eaton Urfer 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:
 - (a) Records of the Ohio State Board of Pharmacy indicate that William Eaton Urfer was originally licensed in the State of Ohio on August 14, 1967, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.
 - (b) On or about December 3, 1996, an Administrative Complaint was filed by the Michigan Department of Consumer and Industry Services, Bureau of Occupational and Professional Regulation, Board of Pharmacy, Disciplinary Subcommittee against you alleging:

- (i) On September 27, 1995, you utilized prescription number 700091 to dispense clobetasol propionate 0.05% (Temovate Ointment) to a family member without a valid prescription.
- (ii) On September 27, 1995; November 27, 1995; December 21, 1995; and January 18, 1996 you utilized prescription number 700090 to dispense sixty (60) tablets of guaifenesin/phenylpropanolamine hydrochloride 400/75 (Entex LA) to a patient without a valid prescription.
- (iii) On October 7, 1995, you utilized prescription number 701015 to dispense Synalar ointment 0.025% to a patient without a valid prescription.
- (iv) On October 16, 1995, you utilized prescription number 701817 to dispense seventy (70) units of Mycelex Troche 10mg to a patient without a valid prescription.
- (v) On October 17, 1995, you utilized prescription number 701932 to dispense Vancenase AQ 0.042% nasal spray to a patient without a valid prescription.
- (vi) On December 12, 1995, you transferred prescription number 364317 to another pharmacy allowing thirty (30) tablets of Ambien 10mg to be dispensed to a patient without a valid prescription on December 12, 1995; February 12, 1996; April 4, 1996; and May 20, 1996.
- (vii) On December 21, 1995 and April 2, 1996, you utilized prescription number 706943 to dispense one-hundred (100) tablets of Synthroid 0.075mg to a patient without a valid prescription.
- (viii) On December 22, 1995, you utilized prescription number 707051 to dispense one-hundred (100) tablets of chlorpromazine 25mg (Thorazine) to a patient without a valid prescription.
- (ix) On February 26, April 20, and June 12, 1996, you utilized prescription number 712263 to dispense one-hundred (100) tablets of Glucophage 500mg to a patient without a valid prescription.
- (x) On or about July or August 1996, you requested and received backdated prescriptions for the aforementioned drugs from a physician who never treated nor examined the patient.

On or about October 10, 1997, a Consent Order and Stipulation was filed, wherein your license was suspended in the State of Michigan for thirty (30) days, followed by probation. Such conduct, if committed in Ohio, constitutes being guilty of dishonesty or unprofessional conduct in the practice of pharmacy and/or willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. within the meaning of Section 4729.16 of the Ohio Revised Code.

- (3) On or about July 27, 1998, you were indicted on three felony counts of Health Care Fraud-False Claim. State of Michigan vs. William Eaton Urfer, Case No. D98-0835, Kalamazoo County Circuit Court. On January 8, 1999, you pled to one count of Health Care Fraud which is a felony in the state of Michigan. As part of the agreement, Counts Two and Three (both Health Care Fraud charges) were dismissed. This plea was taken under delayed sentence status. Such conduct, if committed in Ohio, constitutes being guilty of dishonesty or unprofessional conduct in the practice of pharmacy and/or willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. within the meaning of Section 4729.16 of the Ohio Revised Code.
- (4) On or about August 2, 1997, you knowingly made a false statement with purpose to secure issuance by a governmental agency of a license, permit, or registration, to wit: you declared on your 1998 pharmacist license renewal application that within the prior eighteen (18) months you had not "been the subject of disciplinary action by any state or federal agency." Approximately eight months earlier, on December 3, 1996, a seven count Administrative Complaint was filed with the State of Michigan Board of Pharmacy, Disciplinary Committee. In the Matter: William E. Urfer, R.Ph., State of Michigan, Department of Consumer and Industry Services, Board of Pharmacy, File No. 53-96-0821-00. Such conduct is in violation of Section 2921.13(A)(5) of the Ohio Revised Code, and if proven, constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

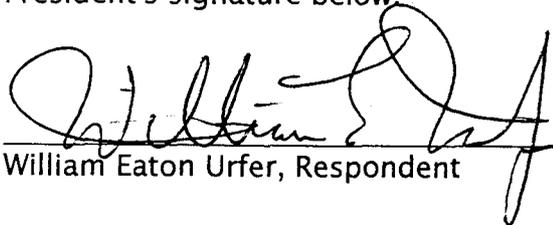
Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, William Eaton Urfer knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) The thirty (30) day suspension of his pharmacist identification card, No. 03-1-08830.
 - (1) Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, William Eaton Urfer may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during such suspension.
 - (2) Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is ... suspended, ... shall return his identification card and certificate of registration to the office 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) The board will automatically reinstate pharmacist identification card, No. 03-1-08830, after the thirty (30) day suspension.

William Eaton Urfer 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.

William Eaton Urfer 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 subject to this Agreement. William Eaton Urfer 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.



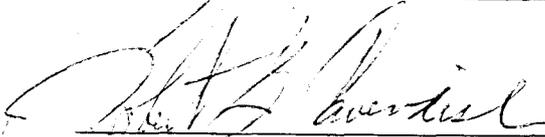
William Eaton Urfer, Respondent

10-4-99

Date of Signature

~~Blake D. Crocker, Attorney for Respondent~~

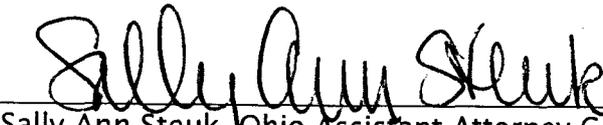
Date of Signature



Robert B. Cavendish, President, Ohio State Board of Pharmacy

10/6/99

Date of Signature



Sally Ann Steuk, Ohio Assistant Attorney General

10-6-99

Date of Signature

9/10/99dlr/tt

Copy to BLAKE D. CROCKER
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