



OHIO STATE BOARD OF PHARMACY

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-Equal Opportunity Employer and Service Provider-

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-971021-011)

In The Matter Of:

JOHN THOMAS MILLWARD, R.Ph.

6740 Crocker Road

Valley City, Ohio 44280

(R.Ph. No. 03-1-10791)

This Settlement Agreement is entered into by and between John Thomas Millward 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 Thomas Millward enters into this Agreement being fully informed of his rights afforded under Chapter 119. of the Ohio Revised Code that are applicable to the allegations set forth in the Notice of Opportunity for Hearing letter dated October 21, 1997, including the right to representation by counsel and the right to a formal adjudication hearing on the issues contained herein.

John Thomas Millward 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 John Thomas Millward'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) John Thomas Millward 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 John Thomas Millward was originally licensed in the state of Ohio on July 30, 1974, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio. Records further reflect that John Thomas Millward is the Responsible Pharmacist at Medic Drug located at 17430 Lorain Avenue in Cleveland, Ohio pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
 - (2) John Thomas Millward did, on or about the following dates, knowingly sell a controlled substance in an amount less than bulk when the conduct was not in

accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion John Thomas Millward sold 84 units of Bontril PDM 35mg for diet to patient #1 pursuant to the following prescriptions when not for a legitimate medical purpose and contrary to Rule 4731-11-04 of the Ohio Administrative Code, thus failing to fulfill his corresponding responsibility pursuant to Section 1306.04 of the Code of Federal Regulations and Rule 4729-5-30 of the Ohio Administrative Code:

<u>Rx Number</u>	<u>Written</u>	<u>Filled</u>
583129	04/26/96	04/25/96
596581	08/15/96	08/16/96
599406	09/12/96	09/11/96
600871	09/24/96	09/24/96
603587	10/11/96	10/18/96
605229	11/01/96	11/01/96
606721	11/15/96	11/14/96
608186	11/26/96	11/26/96
616681	02/03/97	02/02/97
621923	03/13/97	03/13/97
623038	03/27/97	03/21/97
625324	04/08/97	04/08/97
629762	05/12/97	05/12/97
631318	05/26/97	05/23/97

Consequently, such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (3) John Thomas Millward did, on or about the following dates, knowingly sell a controlled substance in an amount less than bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion John Thomas Millward sold 28 units of Phentermine 37.5mg for diet to patient #2 pursuant to the following prescriptions when not for a legitimate medical purpose and contrary to Rule 4731-11-04 of the Ohio Administrative Code, thus failing to fulfill his corresponding responsibility pursuant to Section 1306.04 of the Code of Federal Regulations and Rule 4729-5-30 of the Ohio Administrative Code:

<u>Rx Number</u>	<u>Written</u>	<u>Filled</u>
616356	01/03/97	01/30/97
619724	01/31/97	02/25/97

Consequently, such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (4) John Thomas Millward did, on or about the following dates, knowingly sell a controlled substance in an amount less than bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit:

on each occasion John Thomas Millward sold 28 units of Phentermine 37.5mg for diet to patient #3 pursuant to the following prescriptions when not for a legitimate medical purpose and contrary to Rule 4731-11-04 of the Ohio Administrative Code, thus failing to fulfill his corresponding responsibility pursuant to Section 1306.04 of the Code of Federal Regulations and Rule 4729-5-30 of the Ohio Administrative Code:

<u>Rx Number</u>	<u>Written</u>	<u>Filled</u>
602979	10/12/96	10/14/96
605277	10/26/96	11/02/96

Consequently, such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (5) John Thomas Millward did, on or about the following dates, knowingly sell a controlled substance in an amount less than bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion John Thomas Millward sold 28 units of a controlled substance stimulant for diet to patient #4 pursuant to the following prescriptions when not for a legitimate medical purpose and contrary to Rule 4731-11-04 of the Ohio Administrative Code, thus failing to fulfill his corresponding responsibility pursuant to Section 1306.04 of the Code of Federal Regulations and Rule 4729-5-30 of the Ohio Administrative Code:

<u>Rx Number</u>	<u>Written</u>	<u>Filled</u>	<u>Drug</u>
576331	02/24/96	03/03/96	Phentermine 37.5mg
582023	04/13/96	04/16/96	Phentermine 37.5mg
587186	05/11/96	05/28/96	Adipex-P 37.5mg
593726	06/25/96	07/23/96	Adipex-P 37.5mg

Consequently, such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (6) John Thomas Millward did, on or about February 3, 1997, knowingly sell a controlled substance in an amount less than bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John Thomas Millward sold 28 units of Phentermine 37.5mg for diet to patient #5 pursuant to prescription number 572659 when not for a legitimate medical purpose and contrary to Rule 4731-11-04 of the Ohio Administrative Code, thus failing to fulfill his corresponding responsibility pursuant to Section 1306.04 of the Code of Federal Regulations and Rule 4729-5-30 of the Ohio Administrative Code. Consequently, such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (7) John Thomas Millward did, on or about February 3, 1996, knowingly sell a controlled substance in an amount less than bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit:

John Thomas Millward sold 28 units of Phentermine 37.5mg for diet to patient #6 pursuant to prescription number 572661 when not for a legitimate medical purpose and contrary to Rule 4731-11-04 of the Ohio Administrative Code, thus failing to fulfill his corresponding responsibility pursuant to Section 1306.04 of the Code of Federal Regulations and Rule 4729-5-30 of the Ohio Administrative Code. Consequently, such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (8) John Thomas Millward did, on or about the following dates, knowingly sell a controlled substance in an amount less than bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion John Thomas Millward sold 28 units of Phentermine 37.5mg for diet to patient #7 pursuant to the following prescriptions when not for a legitimate medical purpose and contrary to Rule 4731-11-04 of the Ohio Administrative Code, thus failing to fulfill his corresponding responsibility pursuant to Section 1306.04 of the Code of Federal Regulations and Rule 4729-5-30 of the Ohio Administrative Code:

<u>Rx Number</u>	<u>Written</u>	<u>Filled</u>
572707	12/02/95	02/04/96
592540	06/24/96	07/12/96

Consequently, such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (9) John Thomas Millward did, on or about the following dates, knowingly sell a controlled substance in an amount less than bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion John Thomas Millward sold 28 units of Phentermine 37.5mg for diet to patient #8 pursuant to the following prescriptions when not for a legitimate medical purpose and contrary to Rule 4731-11-04 of the Ohio Administrative Code, thus failing to fulfill his corresponding responsibility pursuant to Section 1306.04 of the Code of Federal Regulations and Rule 4729-5-30 of the Ohio Administrative Code:

<u>Rx Number</u>	<u>Written</u>	<u>Filled</u>
574459	01/26/96	02/17/96
585602	05/10/96	05/14/96
588050	05/31/96	06/04/96
599286	09/10/96	09/10/96
602679	09/24/96	10/10/96
615228	01/21/97	01/21/97

Consequently, such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and to avoid the necessity of a formal hearing, John Thomas Millward knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(A) John Thomas Millward's pharmacist identification card, No. 03-1-10791, will be placed on probation for two years from the effective date of the Agreement. The terms of probation are as follows:

- (1) The State Board of pharmacy hereby declares that John Thomas Millward's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
- (2) John Thomas Millward must take and successfully complete the jurisprudence examination offered by the Board prior to one year from the effective date of this Agreement. If John Thomas Millward has not successfully completed the examination prior that date, his license will be suspended until this condition has been achieved.
- (3) John Thomas Millward must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (4) John Thomas Millward must abide by the rules of the Ohio State Board of Pharmacy.
- (5) John Thomas Millward must comply with the terms of this Agreement.

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 any violation of the terms of this Agreement occurring during the probation period.

(B) John Thomas Millward agrees to the imposition of a monetary penalty of Two Thousand Five Hundred Dollars (\$2,500.00) 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 form to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320.

If, in the judgment of the Board, John Thomas Millward 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 Thomas Millward 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 Thomas Millward 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. If this Agreement is adopted, John Thomas Millward 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. John Thomas Millward 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.

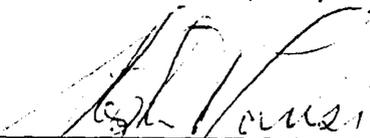
This Settlement Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the date of the Board President's signature below.



John Thomas Millward, Respondent

3/18/98

Date of Signature



Stephen T. Parisi, Attorney for Respondent

3/18/98

Date of Signature



Joseph J. Maslak, Vice-President, Ohio State Board of Pharmacy

4/6/98

Date of Signature



Sally Ann Steuk, Ohio Assistant Attorney General

4-6-98

Date of Signature