



# OHIO STATE BOARD OF PHARMACY

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## SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-950123-030)

In The Matter Of:

**ROGER DALE O'DELL, R.Ph.**

43 Hall Road

Sciotoville, Ohio 45662-9044

(R.Ph. No. 03-1-10851)

This Settlement Agreement is entered into by and between Roger Dale O'Dell 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.

Roger Dale O'Dell 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.

Roger Dale O'Dell 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 Roger Dale O'Dell'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:

- (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) Roger Dale O'Dell was originally licensed to practice pharmacy 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 Roger Dale O'Dell is the Responsible Pharmacist at Staley's Pharmacies, Inc., License No. 02-110950, located at 217-219 South Third Street, Ironton, Ohio, 45638, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (3) On or about January 23, 1995, pursuant to Chapter 119. of the Ohio Revised Code, Roger Dale O'Dell was notified of the following allegations or charges against him, and the Board herein adjudicates the same:

- (a) Roger Dale O'Dell as the Responsible Pharmacist did, on or about February 24, 1994, and dates immediately preceding, permit persons other than a registered pharmacist to possess keys to a pharmacy which was not secured by a physical barricade when personal supervision of the dangerous drug stock was not provided, to wit: Roger Dale O'Dell allowed James Staley, not a registered pharmacist, to possess a key to the pharmacy. Such conduct is in violation of Rule 4729-9-05 of the Ohio Administrative Code and Section 4729.27 of the Ohio Revised Code.
- (b) Roger Dale O'Dell as the Responsible Pharmacist did, on or about January 17, 1994, and January 18, 1994, aid and abet another, not a registered pharmacist or pharmacy intern, to dispense or sell dangerous drugs, to wit: as a result of allowing an individual who was not a registered pharmacist to possess keys to the pharmacy, Roger Dale O'Dell permitted James Staley to fill and refill prescriptions and receive telephone prescriptions, listed as follows, in the absence of a registered pharmacist:

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
272945	1/18/94	Butalbital/APAP/Caffeine	100
272961	1/18/94	Antivert 12.5mg tablets	50
275131	1/18/94	Doxepin 50mg capsules	30
276566	1/18/94	Norvasc 5mg tablets	60
278858	1/17/94	Betoptic-S .25% 5ml	1
279201	1/18/94	Tenoretic 100mg tablets	5
279799	1/18/94	Zantac 150mg tablets	60
279802	1/18/94	Coumadin 10mg tablets	15
279803	1/18/94	Coumadin 5mg tablets	15
280215	1/17/94	Piroxicam 20mg capsules	10
280538	1/18/94	Cardene 30mg capsules	15
281589	1/17/94	Daypro 600mg caplets	30
281749	1/18/94	Humulin-U	10ml
282362	1/18/94	Acular Opth Sol 5ml	5
282796	1/17/94	Lotensin 10mg tablets	30
283750	1/18/94	Aldactazide 25mg/25mg tablets	60
285584	1/18/94	Hytrin 2mg tablets	5
285588	1/18/94	Nitro-Dur .2mg/Hr 5mg.	30
286427	1/18/94	Hydralazine-Hctz-Reserp	30
286456	1/18/94	Propranolol-ER 120mg caplets	30
286821	1/18/94	Intron A 3,000,000 IU/Vial	6
287083	1/17/94	Ticlid 200mg tablets	60
287116	1/18/94	Corgard 20mg tablets	30
287312	1/18/94	Buspar 10mg tablets	15
287573	1/18/94	Levsinex-Time capsules	45
287706	1/17/94	Bumex 1 mg tablets	30
287937	1/18/94	Synthroid .3mg tablets	30
287939	1/18/94	Relafen 500mg tablets	60
288023	1/17/94	Cardizem CD 120mg tablets	30
288462	1/17/94	Atrovent Inhaler 14gm	1
288726	1/17/94	Prozosin 2mg capsules	70
288727	1/17/94	Nifedipine 10mg capsules	90
288728	1/17/94	Hydergine LC 1 mg capsules	90
289341	1/18/94	DA Chewable tablets	75
289715	1/17/94	Lozol 1.25mg tablets	30

<u>Rx No.</u>	<u>Date</u>	<u>Drug</u>	<u>Quantity</u>
289730	1/18/94	Ketoprofen 75mg capsules	30
289772	1/17/94	Propulsid 10mg tablets	120
289773	1/17/94	Docusate Sod. 100mg capsules	30
289774	1/17/94	Pepcid 40mg tablets	30
289775	1/17/94	Synthroid .125mg tablets	30
289889	1/17/94	Tegretol 200mg tablets	100
289890	1/17/94	Serentil 100mg tablets	120
289989	1/18/94	Alupent Inh Complete	14gm
290349	1/17/94	Xanax .5mg tablets	50
290890	1/17/94	Propoxyphene N 100mg	20
291030	1/18/94	Amoxicillin 500mg capsules	15
291231	1/17/94	Isopto Carpine 1% 15ml ampule	1
291232	1/17/94	Paxil 20mg tablets	15
291233	1/17/94	Zantac 150mg tablets	30
291234	1/17/94	Humulin 70/30 10ml vial	1
291235	1/17/94	Chlorpropamide 250mg tablets	30
291237	1/18/94	Nortriptyline 25mg capsules	30
291238	1/18/94	Cyclobenzaprine 10mg tablets	90
291239	1/18/94	Dilantin 100mg capsules	120
291240	1/18/94	Zantac 150mg tablets	30
291241	1/18/94	Temazepam 30mg capsules	30
291242	1/18/94	Hydrocodone APAP 5/500 tablets	30
291243	1/18/94	Furosemide 40mg tablets	30
291244	1/18/94	Paxil 20mg tablets	30
291245	1/18/94	Propranolol 10mg tablets	60
291246	1/18/94	Nitrostat 0.4mg 1/150gr	100
291247	1/18/94	Hydroxyzine 25mg tablets	60
291248	1/18/94	Humulin N	10
291249	1/18/94	Humulin R	10
291250	1/18/94	Naprosyn 500mg tablets	66
291251	1/18/94	Proventil Inhaler	17
291252	1/18/94	Hydroxyzine Pam 50mg capsules	100
291253	1/18/94	Prosom 2mg tablets	30
291254	1/18/94	Carisoprodol 350mg tablets	40
291255	1/18/94	Darvocet N-100 tablets	30
291256	1/18/94	Diazepam 5mg tablets	31
291257	1/18/94	Cipro 500mg tablets	14

Such conduct is in violation of Section 2923.03 of the Ohio Revised Code as it relates to Section 4729.28 of the Ohio Revised Code.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Roger Dale O'Dell knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

Roger Dale O'Dell agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) due and owing within 30 days of 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 S. High Street, 17th Floor, Columbus, Ohio 43266-0320.

If, in the judgment of the Board, Roger Dale O'Dell 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, 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.

Roger Dale O'Dell 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.

Roger Dale O'Dell 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. Roger Dale O'Dell 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. In witnesses thereof, the parties have set their hands to this AGREEMENT this 26th day of June, 1995, and shall become effective on the last date of signature below.

/s/ Roger O'Dell  
Roger Dale O'Dell, Respondent

/d/ 05 /25 /95  
Date of Signature

/s/ R. Kevin Kerns  
R. Kevin Kerns, Attorney for Respondent

/d/ 5 /26 /95  
Date of Signature

/s/ Ruth Plant  
Ruth Plant, President, Ohio State Board of Pharmacy

/d/ 6 /26 /95  
Date of Signature

/s/ Robert J. McClaren  
Robert J. McClaren, Ohio Assistant Attorney General

/d/ 6 /26 /95  
Date of Signature