

ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-030109-055)

In The Matter Of:

NANCY A. WOMELDORPH-ANNARINO, R.Ph.
440 Reverie Place
Newark, Ohio 43055
(R.Ph. No. 03-1-10909)

INTRODUCTION

THE MATTER OF NANCY A. WOMELDORPH-ANNARINO CAME FOR HEARING ON MARCH 4, 2003, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: DIANE C. ADELMAN, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; LAWRENCE J. KOST, R.Ph.; NATHAN S. LIPSYC, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

NANCY A. WOMELDORPH-ANNARINO WAS REPRESENTED BY ERIC J. PLINKE, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. William Padgett, Ohio State Board of Pharmacy
2. Steve Geltch, R.Ph.

Respondent's Witnesses

1. Nancy Annarino, R.Ph.
2. Wayne C. Miller, R.Ph.

State's Exhibits

1. Copy of Notice of Opportunity For Hearing letter [01-09-03]
1A-1C. Procedurals
2. Copy of Notice of Opportunity For A Hearing letter in re Nancy W. Lawless [08-30-91]
2A. Copy of State Board of Pharmacy Consent Agreement in re Nancy W. Lawless [10-21-91]
3. Copy of State Board of Pharmacy Settlement Agreement in re Nancy A. Womeldorph [03-07-96]
11. CVS Pharmacy #2405 Patient Profile of Nancy A. Womeldorph [01-01-01 to 06-26-02]
12. Notarized Written Statement of Nancy Womeldorph [06-26-02]
13. Rx #C173049 [05-13-01]
14. Rx #C185015 [09-20-01]
15. Rx #C9104445 crossed out, handwritten 191100 [10-17-01]
16. Rx #215956 [05-24-02]
17. Rx #206320 [03-09-02]; Rx #208424 [03-25-02]
18. Rx #C193752 [03-06-02]; Rx #C208426 [03-25-02]

- 19. Rx #214272 [05-10-02]
- 20. Rx #169462 [04-06-01]
- 21. Rx #178129 [07-06-01]
- 22. Rx #191181 [11-19-01]; Rx #191182 [11-19-01]
- 23. CVS Pharmacy #2405 Patient Profile for Patricia [01-01-02 to 06-26-02]
- 24. CVS Pharmacy #2405 Patient Profile for Janice [01-01-02 to 06-26-02]
- 25. Notarized Written Statement of Dr. Richard Simon [01-06-03]
- 26. Prescription Information Report for Nancy Womeldorph [01-14-01 to 06-12-02]

Respondent's Exhibits

- A. Copy of letter from Michael D. Quigley, R.Ph.; Drug Screen Reports [12-13-02 to 01-21-03]; and PRO Inc. Pharmacist's Recovery Contract for Nancy A. Womeldorph [10-15-02]
- B. Letter from Richard N. Whitney, MD and Ellen Laubis, M.Ed., CCDC III [02-26-03]
- C. Support Group Attendance Records [10-05-02 to 03-01-03]

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds the following to be fact:

(1) Records of the State Board of Pharmacy indicate that Nancy A. Womeldorph-Annarino was originally licensed by the State of Ohio as a pharmacist on July 30, 1974, pursuant to examination, and is currently licensed to practice pharmacy in Ohio. Records further reflect that Nancy A. Womeldorph-Annarino was previously disciplined by the Board on October 21, 1991, and March 7, 1996.

(2) Nancy A. Womeldorph-Annarino did, on or about September 7, 2001, through June 12, 2002, knowing she had no privilege to do so and with purpose to facilitate a fraud, falsify or alter a computer record, to wit: Nancy A. Womeldorph-Annarino admitted to altering computer information, i.e. days supply, of the following prescriptions for insurance purposes:

<u>Rx#</u>	<u>Drug</u>	<u>Qty</u>	<u>Dispensed</u>
173049	Talwin NX	60	09/07/01
185015	Talwin NX	60	09/20/01
185015-refill	Talwin NX	60	10/05/01
185015-refill	Talwin NX	60	10/16/01
185015-refill	Talwin NX	60	10/29/01
191100	Talwin NX	60	11/19/01
191100-refill	Talwin NX	60	12/04/01
191100-refill	Talwin NX	60	12/19/01
191100-refill	Talwin NX	60	01/16/02
215956	Talwin NX	60	05/24/02
215956-refill	Talwin NX	60	06/12/02

Such conduct violates Section 2913.42 of the Ohio Revised Code.

(3) Nancy A. Womeldorph-Annarino did, on or about January 11, 2001, through May 9, 2002, intentionally make and/or knowingly possess a false or forged prescription, to wit: Nancy A. Womeldorph-Annarino created or altered the following prescriptions, for herself, without authorization from a prescriber:

<u>Rx#</u>	<u>Drug</u>	<u>Qty</u>	<u>Date</u>
156618	Talwin NX	60	01/11/01
156618-refill	Talwin NX	60	02/03/01
156618-refill	Talwin NX	60	03/02/01
156618-refill	Talwin NX	60	03/25/01
156618-refill	Talwin NX	60	04/17/01
136134	Zoloft	60	01/14/01
136134-refill	Zoloft	60	02/13/01
136134-refill	Zoloft	60	03/10/01
136134-refill	Zoloft	60	04/17/01
173049	Talwin NX	60	05/13/01
173049-refill	Talwin NX	60	06/05/01
173049-refill	Talwin NX	60	06/29/01
173049-refill	Talwin NX	60	07/22/01
173049-refill	Talwin NX	60	08/14/01
173049-refill	Talwin NX	60	09/07/01
173666	Zoloft	60	05/18/01
173666-refill	Zoloft	60	06/12/01
173666-refill	Zoloft	60	07/10/01
173666-refill	Zoloft	60	08/04/01
201083	Talwin NX	60	02/04/02
201083-refill	Talwin NX	60	02/23/02
201083-refill	Talwin NX	60	03/15/02
201083-refill	Talwin NX	60	04/12/02
175975	furosemide	30	06/12/01
206320	hydroxyzine pam	60	03/09/02
212528	hydroxyzine pam	60	04/25/02
212529	Talwin NX	60	04/25/02
214272	hydroxyzine pam	100	05/09/02
208426-refill	Meridia	10	06/04/02

Such conduct violates Section 2925.23(B) of the Ohio Revised Code.

(4) Nancy A. Womeldorph-Annarino did, on or about April 6, 2001, through April 25, 2002, intentionally make and/or knowingly possess a false or forged prescription, to wit: Nancy A. Womeldorph-Annarino altered the strength from 20 mg to 40 mg of the following prescriptions:

<u>Rx#</u>	<u>Drug</u>	<u>Qty</u>	<u>Date</u>
169462	furosemide	30	04/06/01
169462-refill	furosemide	30	05/04/01
178129	furosemide	30	07/06/01
178129-refill	furosemide	30	08/04/01
178129-refill	furosemide	30	08/20/01
178129-refill	furosemide	30	08/25/01

178129-refill	furosemide	30	09/27/01
178129-refill	furosemide	30	10/15/01
191182	furosemide	30	11/19/01
191182-refill	furosemide	30	12/19/01
191182-refill	furosemide	30	02/04/02
191182-refill	furosemide	30	04/12/02
191182-refill	furosemide	30	04/25/02

Such conduct violates Section 2925.23(B) of the Ohio Revised Code.

CONCLUSIONS OF LAW

(1) The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.

(2) The State Board of Pharmacy concludes that paragraphs (2) through (4) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

(3) The State Board of Pharmacy concludes that paragraphs (3) and (4) of the Findings of Fact constitute being addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy as provided in Division (A)(3) of Section 4729.16 of the Ohio Revised Code.

(4) The State Board of Pharmacy concludes that paragraphs (3) and (4) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-1-10909, held by Nancy A. Womeldorph-Annarino and such suspension is effective as of the date of the mailing of this Order.

(A) Nancy A. Womeldorph-Annarino, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

(B) Nancy A. Womeldorph-Annarino, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return her identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Order unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after three years from the effective date of this Order, the Board will consider any petition filed by Nancy A. Womeldorph-Annarino for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

(A) Nancy A. Womeldorph-Annarino must obtain, within sixty days after the effective date of this Order, a full psychiatric or psychological evaluation by a licensed psychiatrist or psychologist and must abide by the treatment plan as designed by that psychiatrist or psychologist. The psychiatrist or psychologist must provide an initial status report, which includes the recommended treatment plan, to the Board within ten days after completing the assessment.

(B) Nancy A. Womeldorph-Annarino must enter into a contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, mail a copy of the contract to the Board office. The contract must provide that:

(1) Random, observed urine drug screens shall be conducted at least once each month.

(a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.

(b) Results of all drug screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.

(2) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(3) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

(C) Nancy A. Womeldorph-Annarino must demonstrate satisfactory proof to the Board that she is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render her unfit to practice pharmacy.

(D) Nancy A. Womeldorph-Annarino must provide, at the reinstatement petition hearing, documentation of the following:

(1) Compliance with the licensed psychiatrist's or psychologist's recommended treatment plan;

(2) A report by the licensed psychiatrist or psychologist regarding Nancy A. Womeldorph-Annarino 's fitness for readmission into the practice of pharmacy;

(3) Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug screen reports, meeting attendance records, treatment program reports, etc.);

(4) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;

(5) Compliance with the terms of this Order.

(E) If reinstatement is not accomplished within four years of the effective date of this Order, Nancy A. Womeldorph-Annarino must also show successful completion of the NAPLEX examination or an equivalent examination approved by the Board.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/Nay-2).

MOTION CARRIED.

SO ORDERED.

ORDER EFFECTIVE APRIL 9, 2003

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
(Docket No. D-950726-007)

In The Matter Of:

NANCY A. WOMELDORPH, R.Ph.
447 W. 5th Street
Chillicothe, Ohio 45601
(R.Ph. No. 03-1-10909)

This Settlement Agreement is entered into by and between Nancy A. Womeldorph 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.

Nancy A. Womeldorph 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. Nancy A. Womeldorph acknowledges that by entering into this Agreement she has waived her rights under Chapter 119. of the Revised Code.

Nancy A. Womeldorph is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against her and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Nancy A. Womeldorph'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) Nancy A. Womeldorph 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.
- (C) On or about July 26, 1995, pursuant to Chapter 119. of the Ohio Revised Code, Nancy A. Womeldorph was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Further, a hearing was requested and scheduled for January 24, 1996; however, the hearing was continued by the Board.
- (D) Nancy A. Womeldorph was notified of the following allegations, and the Board herein adjudicates the same:
 - (1) Records of the Board of Pharmacy indicate that Nancy A. Womeldorph 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, on or about October 21, 1991, Nancy A. Womeldorph was disciplined by the Board for practicing pharmacy after her license had lapsed but prior to its renewal.

- (2) Nancy A. Womeldorph did, on or about July 20, 1994, intentionally make and/or knowingly possess a false or forged prescription, to wit: while practicing pharmacy at Foodtown Pharmacy #77 in Bowling Green, Ohio, Nancy A. Womeldorph created prescription number 4404926 for 100 unit doses of Lomotil, a schedule V controlled substance, when it had not been authorized by a practitioner. Subsequently, the prescription was filled with Diphenoxylate Hydrochloride/Atropine Sulfate 2.5mg. Such conduct is in violation of Section 2925.23(B)(1) of the Ohio Revised Code.
- (3) Nancy A. Womeldorph did, on or about July 20, 1994, make or utter a false or forged prescription for a dangerous drug, to wit: while practicing pharmacy at Foodtown Pharmacy #77 in Bowling Green, Ohio, Nancy A. Womeldorph created prescription number 6634683 for 100 unit doses of Phenergan 25mg, a dangerous drug, when it had not been authorized by a practitioner. Subsequently, the prescription was filled with 100 unit doses of Promethazine 25mg. Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.
- (4) Nancy A. Womeldorph did, from December 3, 1992, through March 25, 1993, make or utter a false or forged prescription for a dangerous drug, to wit: while practicing pharmacy at Bartley's Discount Drug in Chillicothe, Ohio, Nancy A. Womeldorph created prescription number 6000587 for 60 unit doses and 3 refills of Aldactone 25mg, a dangerous drug, when it had not been authorized by a practitioner. Subsequently, the prescription was filled on four occasions with 60 unit doses of Spironolactone 25mg. Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.
- (5) Nancy A. Womeldorph did, from December 3, 1992, through September 2, 1993, make or utter a false or forged prescription for a dangerous drug, to wit: while practicing pharmacy at Bartley's Discount Drug in Chillicothe, Ohio, Nancy A. Womeldorph created prescription number 6000588 for 60 unit doses and 3 refills of Hydroxyzine 50mg, a dangerous drug, when it had not been authorized by a practitioner. Subsequently, the prescription was filled on three occasions with 60 unit doses of Hydroxyzine 50mg and on three more occasions with 30 unit doses of Hydroxyzine 50mg. Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.
- (6) Nancy A. Womeldorph did, on or about December 10, 1992, and again on January 7, 1993, make or utter a false or forged prescription for a dangerous drug, to wit: while practicing pharmacy at Bartley's Discount Drug in Chillicothe, Ohio, Nancy A. Womeldorph created prescription number 6000652 for Lo/Ovral-28 with "refill PRN", a dangerous drug, when it had not been authorized by a practitioner. Additionally, "refill PRN" is not a valid refill authorization pursuant to paragraph (E) of Rule 4729-5-30 of the Ohio Administrative Code. Nancy A. Womeldorph refilled the prescription on one occasion. Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.

- (7) Nancy A. Womeldorph did, on or about December 10, 1992, and again on December 17, 1992, make or utter a false or forged prescription for a dangerous drug, to wit: while practicing pharmacy at Bartley's Discount Drug in Chillicothe, Ohio, Nancy A. Womeldorph created prescription number 6000653 for 10 unit doses of Prozac with "refill PRN", a dangerous drug, when it had not been authorized by a practitioner. Additionally, "refill PRN" is not a valid refill authorization pursuant to paragraph (E) of Rule 4729-5-30 of the Ohio Administrative Code. Nancy A. Womeldorph refilled the prescription on one occasion. Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.
- (8) Nancy A. Womeldorph did, from December 10, 1992, through April 8, 1993, make or utter a false or forged prescription for a dangerous drug, to wit: while practicing pharmacy at Bartley's Discount Drug in Chillicothe, Ohio, Nancy A. Womeldorph created prescription number 6000654 for 60 unit doses with "refill PRN" of Promethazine 25mg, a dangerous drug, when it had not been authorized by a practitioner. Additionally, "refill PRN" is not a valid refill authorization pursuant to paragraph (E) of Rule 4729-5-30 of the Ohio Administrative Code. Subsequently, the prescription was filled on five occasions with 60 unit doses of Promethazine 25mg, and on two occasions with 30 unit doses of Promethazine 25mg. Such conduct is in violation of Section 4729.61(C) 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, Nancy A. Womeldorph knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) The Ohio State Board of Pharmacy and Nancy A. Womeldorph stipulate that Nancy A. Womeldorph's license to practice pharmacy in the state of Ohio shall be placed on probation for one year, effective May 1, 1996. The terms of probation are as follows:
 - (1) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Nancy A. Womeldorph's pharmacist identification card is not in good standing and hereby denies her the privilege of being a preceptor and training pharmacy interns.
 - (2) Nancy A. Womeldorph must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (3) Nancy A. Womeldorph must abide by the rules of the State Board of Pharmacy.
 - (4) Nancy A. Womeldorph must comply with the terms of this Agreement.
- (B) Nancy A. Womeldorph must take and successfully complete the state jurisprudence examination offered by the Board, prior to May 1, 1997. If Nancy A. Womeldorph has not successfully completed the exam prior to May 1, 1997, her license will be suspended until successful completion has been achieved.

- (C) Nancy A. Womeldorph agrees to the imposition of a monetary penalty of \$500.00 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, Nancy A. Womeldorph 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.

Nancy A. Womeldorph acknowledges that she has had the 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.

Nancy A. Womeldorph 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.

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. Nancy A. Womeldorph 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 May 1, 1996.

SIGNED MARCH 7, 1996 AND EFFECTIVE MAY 1, 1996

**THE STATE BOARD OF PHARMACY
(Docket No. D-910830-035)**

In The Matter Of:

NANCY W. LAWLESS, R.Ph.
447 W. 5th Street
Chillicothe, Ohio 45601
(R.Ph. No. 03-1-10909)

C O N S E N T A G R E E M E N T

This Consent Agreement is entered into by and between Nancy W. Lawless, R.Ph. 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.

Nancy W. Lawless 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.

This Agreement is entered into on the basis of the following stipulations, admission, 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. Nancy W. Lawless is licensed to practice pharmacy in the State of Ohio.
3. Nancy W. Lawless is knowingly and voluntarily acknowledging that she allowed her license to lapse from September 16, 1990 to December 5, 1990, and from September 16, 1989 to September 18, 1989 and practiced pharmacy while the license was lapsed.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Nancy W. Lawless knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

1. Nancy W. Lawless agrees to the imposition of a monetary penalty of five hundred dollars (\$500.00).
2. Nancy W. Lawless understands that the State Board of Pharmacy will suspend three hundred dollars (\$300.00) of the monetary penalty on condition that Nancy W. Lawless does not further violate any laws under Chapter 4729. of the Ohio Revised Code.

3. The two hundred dollar (\$200.00) monetary penalty that was not suspended is due and owing within thirty (30) days of the effective date of this Agreement. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.
4. if Nancy W. Lawless violates any laws under Chapter 4729., she agrees to the imposition of the portion of the monetary penalty the Board originally suspended.

If, in the judgement of the Board, Nancy W. Lawless appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to 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.

Nancy W. Lawless 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.

Nancy W. Lawless 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.

In the event the Board, in its discretion, does not approve this Agreement, 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. Nancy W. Lawless 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 Consent 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 last date of signature below.

SIGNED AND EFFECTIVE OCTOBER 21, 1991