



# OHIO STATE BOARD OF PHARMACY

77 South High Street, 17th Floor; Columbus, Ohio 43266-0320

-Equal Opportunity Employer and Service Provider-

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URL: <http://www.state.oh.us/pharmacy/>

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## SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-971021-009)

In The Matter Of:

**ELIZABETH A. PETIT, R.Ph.**

20019 Ellsworth Drive  
Strongsville, Ohio 44136  
(R.Ph. No. 03-1-14784)

This Settlement Agreement is entered into by and between Elizabeth Anne Petit 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.

Elizabeth Anne Petit enters into this Agreement being fully informed of her 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.

Elizabeth Anne Petit 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 Elizabeth Anne Petit'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) Elizabeth Anne Petit 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 Elizabeth Anne Petit was originally licensed in the state of Ohio on August 6, 1982, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio. Records further reflect that Elizabeth A. Petit is a 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.
  - (2) Elizabeth Anne Petit 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 Elizabeth Anne Petit 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 her 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>
619801	02/27/97	02/26/97
632868	06/05/97	06/06/97

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

- (3) Elizabeth Anne Petit did, on or about April 24, 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: Elizabeth Anne Petit sold 28 units of Phentermine 37.5mg for diet to patient #2 pursuant to prescription number 582905 when not for a legitimate medical purpose and contrary to Rule 4731-11-04 of the Ohio Administrative Code, thus failing to fulfill her 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.

- (4) Elizabeth Anne Petit 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 Elizabeth Anne Petit sold 28 units of Phentermine 37.5mg for diet to patient #5 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 her 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>
570186	01/13/96	01/14/96
580391	02/10/96	04/03/96

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

- (5) Elizabeth Anne Petit 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 Elizabeth Anne Petit sold 28 units of Phentermine 37.5mg for diet to patient #6 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 her 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>
570183	01/13/96	01/14/96
580388	08/24/96	04/03/96

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 formal hearing at this time, Elizabeth Anne Petit knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Elizabeth Anne Petit's pharmacist identification card, No. 03-1-14784, will be placed on probation for two years, as of the effective date of this Agreement. The terms of probation are as follows:
- (1) The State Board of pharmacy hereby declares that Elizabeth Anne Petit'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.
  - (4) Elizabeth Anne Petit must not violate the drug laws of the state of Ohio, any other state, or the federal government.
  - (5) Elizabeth Anne Petit must abide by the rules of the Ohio State Board of Pharmacy.
  - (6) Elizabeth Anne Petit 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 a violation occurring during the probation period.

- (B) Elizabeth Anne Petit agrees to the imposition of a monetary penalty of Five Hundred Dollars (\$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, Elizabeth Anne Petit 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.

Elizabeth Anne Petit 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.

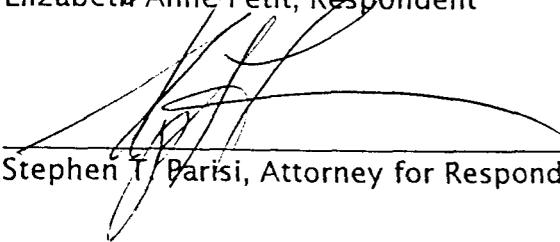
Elizabeth Anne Petit waives any and all claims or causes of action she may have against the State of Ohio or the Board, and members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement. If this Agreement is adopted by the Board, Elizabeth Anne Petit 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. Elizabeth Anne Petit 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 upon the date of the Board President's signature below.

  
Elizabeth Anne Petit, Respondent

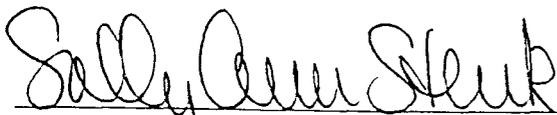
3/17/98  
Date of Signature

  
Stephen T. Parisi, Attorney for Respondent

3/17/98  
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