



OHIO STATE BOARD OF PHARMACY

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY (Docket No. D-971021-010)

In The Matter Of:

MARY P. MALOOF, R.Ph.
30904 Pebble Beach Oval
Westlake, Ohio 44145
(R.Ph. No. 03-1-14975)

This Settlement Agreement is entered into by and between Mary P. Maloof 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.

Mary P. Maloof 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.

Mary P. Maloof 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 Mary P. Maloof'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) Mary P. Maloof 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 Mary P. Maloof was originally licensed in the state of Ohio on March 2, 1983, pursuant to examination, and are currently licensed to practice pharmacy in the state of Ohio.

- (2) Mary P. Maloof 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 Mary P. Maloof sold 84 units of Bont PDM 35mg for diet to patient #1 pursuant to the following prescription when not for a legitimate medical purpose and contrary to Rule 4731-1-04 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>
569408	01/09/96	01/08/96
571143	01/22/96	01/22/96
572909	02/05/96	02/05/96
574676	02/19/96	02/19/96
576397	03/04/96	03/04/96
578382	03/18/96	03/18/96
580214	04/01/96	04/01/96
584651	05/07/96	05/07/96
586244	05/21/96	05/20/96
589614	06/17/96	06/17/96
591273	07/01/96	07/01/96
592830	07/15/96	07/15/96
594750	08/01/96	08/01/96
609720	12/10/96	12/09/96
611580	12/23/96	12/23/96
613285	01/07/97	01/06/97
615054	01/20/97	01/20/97
618122	02/13/97	02/13/97

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

- (3) Mary P. Maloof 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 Mary P. Maloof 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 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>
584900	05/07/96	05/09/96
612697	12/20/96	01/02/97

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

- (4) Mary P. Maloof 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 Mary P. Maloof 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 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>
599919	09/16/96	09/16/96
601536	09/30/96	10/01/96

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

- (5) Mary P. Maloof 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 Mary P. Maloof 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 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>	<u>Drug</u>
573779	02/10/96	02/12/96	Phentermine 37.5mg
624911	09/30/96	04/05/97	Adipex-P 37.5mg
603090	10/12/96	10/14/96	Adipex-P 37.5mg

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

- (6) Mary P. Maloof did, on or about March 9, 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: Mary P. Maloof sold 28 units of Phentermine 37.5mg for diet to patient #5 pursuant to prescription number 577241, written on December 24, 1996, 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.
- (7) Mary P. Maloof 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 Mary P. Maloof 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>
577240	02/10/96	03/09/96
583682	04/13/96	04/30/96

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

- (8) Mary P. Maloof did, on or about the following dates, knowingly sell a controlled substance in an amount less than bulk when the conduct was in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion Mary P. Maloof sold 28 units of a controlled substance stimulant 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 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>	<u>Drug</u>
577456	02/16/96	03/11/96	Phentermine 37.5mg
579295	03/01/96	03/26/96	Adipex-P 37.5mg
583683	04/27/96	04/30/96	Adipex-P 37.5mg
618135	02/04/97	02/13/97	Phentermine 37.5mg

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 to avoid the necessity of a formal hearing, Mary P. Maloof knowingly and voluntarily with the State Board of Pharmacy to the following:

- (A) Mary P. Maloof's pharmacist identification card, No. 03-1-14975, will be placed on probation for two years, as of the effective date of this agreement. The terms of the probation are as follows:
- (1) The State Board of pharmacy hereby declares that Mary P. Maloof'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) Mary P. Maloof must take and successfully complete the jurisprudence examination offered by the Board prior to one year from the effective date of this Agreement. If Mary P. Maloof has not successfully completed the examination prior to that date, her license will be suspended until this condition has been achieved.
 - (3) Mary P. Maloof must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (4) Mary P. Maloof must abide by the rules of the Ohio State Board of Pharmacy.
 - (5) Mary P. Maloof 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) Mary P. Maloof agrees to the imposition of a monetary penalty of Two Thousand Five Hundred Dollars (\$2,500.00) to be 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, Mary P. Maloof 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.

Mary P. Maloof 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.

Mary P. Maloof 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, Mary P. Maloof 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. Mary P. Maloof 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.

/s/ Mary P Maloof
Mary P. Maloof, Respondent

/d/ 3-17-98
Date of Signature

/s/ Stephen T Parisi
Stephen T. Parisi, Attorney for Respondent

/d/ 3-17-98
Date of Signature

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

/d/ 4/6/98
Date of Signature

/s/ Sally Ann Steuk
Sally Ann Steuk, Ohio Assistant Attorney General

/d/ 4-6-98
Date of Signature