



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

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FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.pharmacy.ohio.gov>

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Case No. 2014-1094)

In The Matter Of:

PETER JOSEPH HART, R.Ph.
4525 Hampton Pointe Drive
Cincinnati, OH 45248
(R.Ph. No. 03-1-17426)

This Settlement Agreement is entered into by and between Peter Joseph Hart 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.

Peter Joseph Hart voluntarily 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, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Peter Joseph Hart acknowledges that by entering into this Agreement he has waived his rights under Chapter 119. of the Ohio Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, limit, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Peter Joseph Hart is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about May 23, 2014, pursuant to Chapter 119. of the Ohio Revised Code, Peter Joseph Hart was notified of the allegations or charges against him, his right to a hearing, his rights in such hearing, and his right to submit contentions in writing. Peter Joseph Hart requested a hearing; it was scheduled and continued. The May 23, 2014 Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Peter Joseph Hart was originally licensed in the State of Ohio on July 29, 1988, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You did, on or about January 8, 2014, misbrand a drug, to wit: when you received a prescription for Roxanal 5-10mg Q2 hrs prn #30ml, Rx#2484139, you dispensed Oxyfast 20 mg/ml, a drug which had not been prescribed by the physician. When asked about the mistake, you indicated that when you went to the C-II safe at Kroger Pharmacy #908 you did not see Roxanol so you substituted Oxyfast20

mg/ml with the same administration directions; rather than contacting the prescriber. Such conduct constitutes dispensing a drug that is not the brand or drug specifically prescribed or ordered, in violation of Section 3715.64(A)(10)(d) of the Ohio Revised Code, within the meaning of Sections 3715.52 and 3715.64 of the Ohio Revised Code, and if proven, constitutes unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

Peter Joseph Hart neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated May 23, 2014; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same.

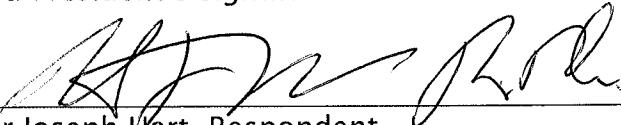
Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Peter Joseph Hart knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Peter Joseph Hart agrees to the imposition of a monetary penalty of five hundred dollars (\$500.00) due and owing within 30 days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed forms to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) In addition, Peter Joseph Hart must obtain, within 90 days from the effective date of this Agreement, six hours of approved continuing pharmacy education (0.6 CEUs) in medication error and patient safety, which may not also be used for license renewal.

Peter Joseph Hart 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.

Peter Joseph Hart 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. Peter Joseph Hart waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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.



Peter Joseph Hart, Respondent

7-10-14

Date of Signature

Attorney for Respondent (if applicable)



Kevin J. Mitchell, R.Ph., President
Ohio State Board of Pharmacy

8-5-2014

Date of Signature



Charissa D. Payer, Ohio Assistant Attorney General

8-5-2014

Date of Signature

MONETARY PENALTY TRANSMITTAL FORM

IN THE MATTER OF:

PETER JOSEPH HART, R.Ph.
(R.Ph. No. 03-117426)

THE ENCLOSED AGREEMENT OF THE OHIO STATE BOARD OF PHARMACY IMPOSES A MONETARY PENALTY PURSUANT TO SECTION 4729.16 OF THE REVISED CODE. SAID MONETARY PENALTY OF \$500.00 DUE PRIOR TO THIRTY DAYS FROM THE EFFECTIVE DATE OF THIS AGREEMENT.

TO ENSURE THE PROPER CREDIT, RETURN THIS FORM WITH YOUR PAYMENT TO THE OHIO STATE BOARD OF PHARMACY; 77 SOUTH HIGH STREET, 17TH FLOOR; COLUMBUS, OHIO 43215-6126. PAYMENT IS TO BE MADE PAYABLE TO THE "TREASURER, STATE OF OHIO".

PAYMENT NOT RECEIVED DURING THE DESIGNATED TIME MAY RESULT IN FURTHER ACTION BY THE BOARD THROUGH THE OFFICES OF THE STATE AUDITOR AND ATTORNEY GENERAL.

- FOR BOARD USE ONLY BELOW THIS LINE -

Case No. 2014-1094
Amount Assessed \$500.00
Amount Suspended -0-
Amount Due \$500.00

Penalty Type Settlement Agreement
Control No. _____
Date Received _____
Amount Received _____