



# OHIO STATE BOARD OF PHARMACY

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-Equal Opportunity Employer and Service Provider-

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## SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-971024-017)

In The Matter Of:

**BRENT DOUGLAS SALISBURY, R.Ph.**

4587 Turney Road

Madison, Ohio 44507

(R.Ph. No. 03-1-20580)

This Settlement Agreement is entered into by and between Brent Douglas Salisbury 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.

Brent Douglas Salisbury 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.

Brent Douglas Salisbury is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against Brent Douglas Salisbury and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Brent Douglas Salisbury'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) Brent Douglas Salisbury 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 Brent Douglas Salisbury was originally licensed in the state of Ohio on November 2, 1994, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio. Further, Brent Douglas Salisbury is presently employed as a pharmacist at Revco Discount Drug Center #3169, 170 East Main Street, Geneva, Ohio.
  - (2) Brent Douglas Salisbury 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 Brent Douglas Salisbury sold 28 units of Adipex-P 37.5mg for diet to patient #1 pursuant to the following prescriptions which were not issued for a legitimate medical purpose pursuant to Rule 4731-11-04 of the Ohio Administrative Code, thereby engaging in unprofessional conduct:

| <u>Rx Number</u> | <u>Written</u> | <u>Filled</u> |
|------------------|----------------|---------------|
| 036498           | 01/27/96       | 01/30/96      |
| 039302           | 03/01/96       | 03/03/96      |
| 041320           | 03/25/96       | 03/27/96      |
| 043744           | 04/27/96       | 04/27/96      |
| 049646           | 07/20/96       | 07/20/96      |
| 054702           | 09/28/96       | 09/28/96      |
| 056876           | 10/26/96       | 10/27/96      |
| 061429           | 12/21/96       | 12/21/96      |
| 063749           | 01/18/97       | 01/18/97      |

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (3) Brent Douglas Salisbury 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 Brent Douglas Salisbury sold 28 units of Adipex-P 37.5mg for diet to patient #2 pursuant to the following prescriptions which were not issued for a legitimate medical purpose pursuant to Rule 4731-11-04 of the Ohio Administrative Code, thereby engaging in unprofessional conduct.

| <u>Rx Number</u> | <u>Written</u> | <u>Filled</u> |
|------------------|----------------|---------------|
| 036500           | 01/27/96       | 01/30/96      |
| 039300           | 03/01/96       | 03/03/96      |
| 041321           | 03/23/96       | 03/27/96      |
| 043741           | 04/27/96       | 04/27/96      |
| 049644           | 07/20/96       | 07/20/96      |
| 054706           | 09/28/96       | 09/28/96      |
| 056878           | 10/26/96       | 10/27/96      |
| 061427           | 12/21/96       | 12/21/96      |
| 063747           | 01/18/97       | 01/18/97      |

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 in lieu of a formal hearing at this time, Brent Douglas Salisbury knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Brent Douglas Salisbury's pharmacist identification card, No. 03-1-20580, will be placed on probation for two years from the effective date of this Agreement. The terms of probation are as follows:

- (1) The State Board of pharmacy hereby declares that Brent Douglas Salisbury'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) Brent Douglas Salisbury must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (3) Brent Douglas Salisbury must abide by the rules of the Ohio State Board of Pharmacy.
- (4) Brent Douglas Salisbury must comply with the terms of this Agreement.

For cause, the Board may at any time revoke probation, 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) Brent Douglas Salisbury 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 forms to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320.

Brent Douglas Salisbury is hereby advised that 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 shall revoke probation for any violation of the terms of this Agreement occurring during the probation period.

If, in the judgment of the Board, Brent Douglas Salisbury 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.

Brent Douglas Salisbury 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.

Brent Douglas Salisbury 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. Brent Douglas Salisbury waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.