



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

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

www.pharmacy.ohio.gov

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-021120-038)

In The Matter Of:

MARY ANN JANNING (formerly TALLARICO), Intern

605 Hennigan's Grove Road

Grove City, Ohio 43123

(Intern No. 06-0-01979)

This Settlement Agreement is entered into by and between Mary Ann Janning 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 Ann Janning voluntarily 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, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Mary Ann Janning acknowledges that by entering into this agreement she has waived her rights under Chapter 119. of the Revised Code.

Whereas, the Board 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 enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Mary Ann Janning is licensed to practice as a pharmacy intern in the State of Ohio.

Whereas, on or about November 20, 2002, pursuant to Chapter 119. of the Ohio Revised Code, Mary Ann Janning 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. Mary Ann Janning requested a hearing; it was scheduled and continued. The November 20, 2002, Proposal To Deny/Notice of Opportunity for Hearing letter contains the following allegations or charges:

- (1) Records of the Board of Pharmacy indicate that Mary Ann Janning submitted an application for examination as a pharmacist on or about September 18, 2002. Mary Ann Janning previously applied for examination as a pharmacist on or about June 25, 2002, however Mary Ann Janning's score on the NAPLEX did not meet the requirements.
- (2) Records further indicate that Mary Ann Janning was originally licensed to practice pharmacy as an intern in the State of Ohio on May 10, 1994, and is currently licensed.

- (3) Mary Ann Janning did, on or about March, 2002 through August, 2002, while not a pharmacist or pharmacy intern under the personal supervision of a pharmacist, compound, dispense, or sell dangerous drugs and/or otherwise engage in the practice of pharmacy, to wit: Mary Ann Janning engaged in a variety of activities which must only be performed by a registered pharmacist or an intern under the personal supervision of a registered pharmacist, yet your activities were not properly supervised. In the following instances, Mary Ann Janning practiced pharmacy at Mt. Carmel West Hospital:
- (a) Mary Ann Janning would, as part of her duties, make the final association of intravenous drugs with a patient's drug order and pharmacy label without the personal supervision of a licensed pharmacist. Such conduct is the practice of pharmacy within the meaning of Rule 4729-5-01(B) of the Ohio Administration Code.
 - (b) Mary Ann Janning would, as part of her duties, check the Pyxis Cubie (Computerized Unit Based Inventory Exchange) cells and perform the final check of Pyxis machine replenishment orders placed from various areas of the hospital. Such conduct is the practice of pharmacy within the meaning of Rules 4729-5-01(B) and/or 4729-17-03 of the Ohio Administrative Code.
 - (c) Mary Ann Janning would, as part of her duties, check patient specific orders for dangerous drugs that were not stocked in the Pyxis unit and make the final association of dangerous drugs with a patient's drug order and pharmacy label. Such conduct is the practice of pharmacy within the meaning of Rules 4729-5-01(B) and/or 4729-5-20 of the Ohio Administrative Code.
 - (d) Mary Ann Janning would, as part of her duties, perform the order verification function. Activities performed during this function include a comparison of the original prescription order to the corresponding data entered into the computerized prescription record keeping system, prospective drug utilization reviews, screening for therapeutic duplications, and drug-drug interactions. Such conduct is the practice of pharmacy within the meaning of Rule 4729-5-20 of the Ohio Administrative Code.

Mary Ann Janning neither admits nor denies the allegations stated in the Proposal To Deny/-Notice of Opportunity for Hearing letter dated November 20, 2002; 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, Mary Ann Janning knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Mary Ann Janning's intern identification card, No. 06-0-01979, will be placed on probation for one year from the effective date of this Agreement, with the following conditions:
 - (1) The State Board of Pharmacy hereby declares that Mary Ann Janning's identification card is not in good standing.
 - (2) Mary Ann Janning must not violate the drug laws of the State of Ohio, any other state, or the federal government.

- (3) Mary Ann Janning must abide by the rules of the State Board of Pharmacy.
- (4) Mary Ann Janning must comply with the terms of this Agreement.
- (B) Mary Ann Janning agrees to the imposition of a monetary penalty Two Hundred Dollars (\$200.00) 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.
- (C) Mary Ann Janning will be permitted to take the examination for registration as a pharmacist. In the event that she passes the examination, the period of probation will continue under the same terms and conditions as stated herein.

If, in the judgment of the Board, Mary Ann Janning 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 Ann Janning 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 Ann Janning 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. Mary Ann Janning 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 Ann Janning 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.

SIGNED AND EFFECTIVE APRIL 7, 2003