



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

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-080110-030)

In The Matter Of:

CHARLES PEARLMUTTER, R.Ph.

3627 Berkeley Road

Cleveland Heights, Ohio 44118

(R.Ph. No. 03-1-26045)

This Settlement Agreement is entered into by and between Charles Pearlmutter 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.

Charles Pearlmutter 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. Charles Pearlmutter acknowledges that by entering into this agreement he has waived his 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, Charles Pearlmutter is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about January 10, 2008, pursuant to Chapter 119. of the Ohio Revised Code, Charles Pearlmutter 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. Charles Pearlmutter requested a hearing; it was scheduled. The January 10, 2008, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Charles Pearlmutter was originally licensed by the State of Ohio as a pharmacist on February 3, 2004, pursuant to reciprocity, and is currently licensed to practice pharmacy in Ohio.

- (2) Charles Pearlmutter did, on or about June 6, 2007, misbrand a drug, to wit: when Charles Pearlmutter received a prescription for clonidine 0.1 mg, Rx #6056615, he dispensed clonidine 0.3 mg, which had not been specifically prescribed by the physician. The 3-year-old patient subsequently suffered harm. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

Charles Pearlmutter neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 10, 2008; 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, Charles Pearlmutter knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Charles Pearlmutter agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) 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, Room 1702, Columbus, Ohio 43215-6126.
- (B) Charles Pearlmutter must obtain, within six months from the effective date of this Agreement, five hours of continuing pharmacy education (0.5 CEUs) on preventing medication errors, which may not also be used for license renewal.

Charles Pearlmutter 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.

Charles Pearlmutter 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. Charles Pearlmutter 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.

_____ Charles Pearlmutter, R.Ph., Respondent	02/13/2008 _____ Date of Signature
_____ John R. Irwin, M.D., Attorney for Respondent	02/13/2008 _____ Date of Signature
_____ Gregory Braylock, President, Ohio State Board of Pharmacy	03/03/2008 _____ Date of Signature
_____ Sally Ann Steuk, Ohio Assistant Attorney General	03/03/2008 _____ Date of Signature