



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-090213-098)

In The Matter Of:

RICHARD D. MAINS, R.Ph.

162 Lake Terrace Drive
Munroe Falls, Ohio 44262
(R.Ph. No. 03-2-05652)

This Settlement Agreement is entered into by and between Richard D. Mains 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.

Richard D. Mains 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. Richard D. Mains 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, Richard D. Mains is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 13, 2009, pursuant to Chapter 119. of the Ohio Revised Code, Richard D. Mains 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. Richard D. Mains accepted this offer for settlement rather than a hearing. The February 13, 2009, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Richard D. Mains was originally licensed in the State of Ohio on January 26, 1954, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Richard D. Mains did, on or about or prior to May 15, 2008, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Richard D. Mains did not complete 5.5 hours of Board approved continuing education until after he signed his Continuing Pharmacy Education Reporting Form on May 9, 2008. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes

being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.

- (3) Richard D. Mains did, on or about May 9, 2008, knowingly make a false statement with purpose to secure the issuance of a license or registration, to wit: Richard D. Mains indicated on his pharmacist continuing education submission form that he had completed 6.0 Continuing Education Units (C.E.U.s), at least 0.3 C.E.U.s of which were in Board-approved jurisprudence, when in fact Richard D. Mains only submitted .5 documented C.E.U.s as shown by the audit. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

Richard D. Mains admits the allegations stated in the Notice of Opportunity for Hearing letter dated February 13, 2009; further, 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, Richard D. Mains knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Richard D. Mains herewith submits a monetary penalty of Two Hundred Fifty Dollars (\$250.00).
- (B) Richard D. Mains will submit additional documentation to show compliance with continuing education requirements prior to September 15, 2009, else Richard D. Mains' license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Richard D. Mains 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 the Agreement and 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.

Richard D. Mains 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.

Richard D. Mains 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. Richard D. Mains 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.

Richard D. Mains, Respondent 02-19-09

Date of Signature

N/A

Attorney for Respondent (if Applicable) _____
Date of Signature

Nathan S. Lipsyc, President, Ohio State Board of Pharmacy 03/02/09

Date of Signature

Sally Ann Steuk, Ohio Assistant Attorney General 03/02/09

Date of Signature

STATE BOARD OF PHARMACY

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THE STATE BOARD OF PHARMACY

vs

RICHARD D. MAINS, R.Ph.

THE MATTER OF RICHARD D. MAINS, DOCKET NO. 6-105-2, CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON MARCH 28, 1985. MOTIONS WERE MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

Findings Of Fact

- (1) On January 31, 1985, Richard D. Mains, R.Ph. No. 03-2-05652, 880 Rexdale Drive, Cuyahoga Falls, OH 44221, was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his position, contentions, and arguments in writing.
- (2) As demonstrated by return receipt of February 4, 1985, Richard D. Mains received the letter of January 31, 1985 informing him that the Board proposed to deny his application for renewal of his identification card since he had not continued his pharmacy education in accordance with Section 4729.12 of the Revised Code and Rules 4729-7-01 through 4729-7-07 of the Administrative Code.
- (3) Richard D. Mains has not responded in any way to the letter of January 31, 1985 informing him of the allegations against him.

Conclusion Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that Richard D. Mains did fail to continue his pharmacy education in accordance with Section 4729.12 of the Revised Code and Rules 4729-7-01 through 4729-7-07 of the Administrative Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusion Of Law set forth above, the State Board of Pharmacy hereby denies the issuance of a renewal application by which you may renew your identification card to practice as a pharmacist in this state for the licensure year September 16, 1985 through September 15, 1986.

STATE BOARD OF PHARMACY

Accordingly, you may not legally engage in the practice of pharmacy in Ohio after September 15, 1985.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

(04/25/85)