OHIO STATE BOARD OF PHARMACY

77 South High Street, 17th Floor; Columbus, Ohio 43266-0320

-Equal Opportunity Employer and Service Provider-

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
(Docket No. D-960322-048)

In the Matter of:

FREDERICK J. WEIK, R.Ph.
3641 Fordway Drive
Lambertville, Michigan 48144
(R.Ph. No. 03-2-09437)

This Settlement Agreement is entered into by and between Frederick J. Weik, R.Ph. 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.

Frederick J. Weik 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.

Frederick J. Weik is knowingly and voluntarily acknowledging that, in order to settle the charges that have been filed by the Board against him, and in order to obviate the need to conduct an administrative hearing to consider the disciplinary sanctions against his license to practice pharmacy in the state of Ohio, Frederick J. Weik enters into this Agreement 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) On or about March 22, 1996, as amended on September 9, 1996, pursuant to Chapter 119. of the Ohio Revised Code, Frederick J. Weik 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. Further, a hearing was requested and scheduled for April 21, 1997.

(C) Frederick J. Weik stipulates to the allegations stated in the Notice of Opportunity for Hearing letter dated September 9, 1996, and the Board herein adjudicates the same:

(1) Records of the Board of Pharmacy indicate that Frederick J. Weik was originally licensed in the state of Ohio on February 25, 1970, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio. Records further reflect that on or about October 25,

1991, Frederick J. Weik was disciplined by the Board for having practiced pharmacy during periods of lapsed licensure.

(2) Frederick J. Weik did, from October 22, 1991, through July 13, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Frederick J. Weik sold 7 preparations of exempt narcotics to patient #66 when the patient received a total of 41 preparations from the pharmacy over a 325-day time period and not for a legitimate medical purpose:

Date	Drug
10/22/91	Novadyne Expectorant
11/25/91	Novadyne Expectorant
01/24/92	Novadyne Expectorant
02/07/92	Novadyne Expectorant
03/01/92	Novadyne Expectorant
04/13/92	Novadyne Expectorant
07/13/92	Novadyne Expectorant

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(3) Frederick J. Weik did, from October 22, 1991, through July 23, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Frederick J. Weik sold 14 preparations of exempt narcotics to patient #99 when the patient received a total of 62 preparations from the pharmacy over a 377-day time period and not for a legitimate medical purpose:

Date	Drug
10/22/91	Cheracol
10/25/91	Cheracol
10/31/91	Cheracol
01/19/92	Cheracol
01/22/92	Cheracol
02/14/92	Cheracol
02/24/92	Cheracol
03/09/92	Cheracol
03/26/92	Cheracol
05/22/92	Cheracol
05/29/92	Cheracol

Date	Drug
06/14/92	Cheracol
06/22/92	Cheracol
07/23/92	Cheracol

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(4) Frederick J. Weik did, from December 13, 1991, through July 22, 1992, knowingly sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Frederick J. Weik sold 14 preparations of exempt narcotics to patient #111 when the patient received a total of 37 preparations from the pharmacy over a 373-day time period and not for a legitimate medical purpose:

Date	Drug
12/13/91	Cheracol
01/10/92	Cheracol
02/03/92	Cheracol
02/11/92	Cheracol
02/17/92	Cheracol
02/24/92	Cheracol
03/15/92	Cheracol
03/22/92	Cheracol
03/28/92	Cheracol
04/10/92	Cheracol
07/03/92	Cheracol
07/12/92	Cheracol
07/17/92	Cheracol
07/22/92	Cheracol

Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Frederick J. Weik knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(A) Frederick J. Weik's pharmacist identification card, No. 03-2-09437, will be placed on probation for two years, as of the effective date of this Agreement. The terms of probation are as follows:

(1) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Frederick J. Weik's pharmacist identification card is not in good standing for one year from the effective date of this Agreement.

(2) Frederick J. Weik may not serve as a responsible pharmacist for one year from the effective date of this Agreement.

(3) Frederick J. Weik must not violate the drug laws of the state of Ohio, any other state, or the federal government.

(4) Frederick J. Weik must abide by the rules of the Ohio State Board of Pharmacy.

(5) Frederick J. Weik must comply with the terms of this Order.

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 may revoke probation for a violation occurring during the probation period.

(B) Frederick J. Weik 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. 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 South High Street, 17th Floor, Columbus, Ohio 43266-0320.

If, in the judgment of the Board, Frederick J. Weik appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to 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.

Frederick J. Weik 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.

Frederick J. Weik waives any and all claims or causes of action he may have against the State of Ohio or the Board, and its members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement.

In the event the Board, in its discretion, does not approve this Agreement, 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. Frederick J. Weik agrees that

should the Board reject this Agreement and if this case proceeds to hearing, he 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 Board President's signature below.

Frederick J. Weik, Respondent	5/23/97 Date of Signature
Michael W. O'Donnell, Attorney for Respondent	5/23/97 Date of Signature
Suzanne L. Neuber, President, Ohio State Board of Pharmacy	6/16/97 Date of Signature
Mary L. Hollern, Ohio Assistant Attorney General	6/16/97 Date of Signature