



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

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

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Case No. 2012-1361)

In The Matter Of:

MICHAEL DAVID CONNELL, R.Ph.

13870 Donald Drive

Brook Park, Ohio 44142

(R.Ph. No. 03-2-10223)

This Settlement Agreement is entered into by and between Michael David Connell 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.

Michael David Connell 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. Michael David Connell acknowledges that by entering into this Agreement he has waived his rights under Chapter 119. of the Ohio Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, limit, 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, Michael David Connell is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about January 30, 2014, pursuant to Chapter 119. of the Ohio Revised Code, Michael David Connell 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. Michael David Connell requested a hearing; it was scheduled and continued. The January 30, 2014, Notice of Opportunity for Hearing contains the following allegations or charges:

- ((1) Records of the State Board of Pharmacy indicate that Michael David Connell was originally licensed in the State of Ohio on July 20, 1972, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio. Records further reflect that Michael David Connell was previously disciplined by this Board on January 14, 1998.

- (2) Michael David Connell did, on or about July 13, 2012, misbrand a drug within the meaning of Section 3715.64 of the Revised Code, to wit: when Michael David Connell received a prescription for DMSA (dimercaptosuccinic acid) 500 mg, prescription #707683, he compounded and dispensed diltiazem 500 mg which had not been specifically prescribed by the physician. The prescription was ingested by the patient and the patient felt lightheaded, dizzy, and vomited. The patient required emergency medical treatment and intravenous fluids. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

Michael David Connell neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 30, 2014; 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, Michael David Connell knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

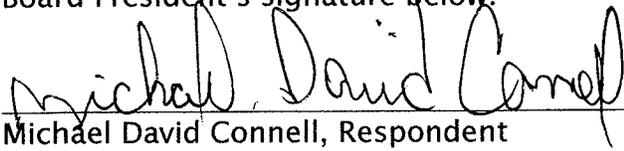
(A) Michael David Connell agrees to the imposition of a monetary penalty of five hundred dollars (\$500.00) due and owing within 30 days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed forms to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

(B) In addition, Michael David Connell must obtain, within 90 days from the effective date of this Agreement, three hours of approved continuing pharmacy education (0.3 CEUs) in medication errors and three hours of approved continuing pharmacy education (0.3 CEUs) in compounding, each of which may not also be used for license renewal.

Michael David Connell 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.

Michael David Connell 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. Michael David Connell waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

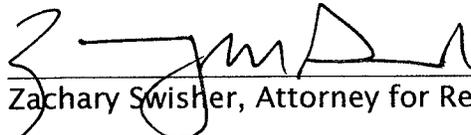
This Settlement Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the date of the Board President's signature below.



Michael David Connell, Respondent

5-29-14

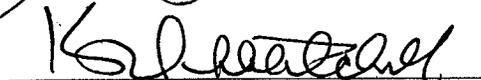
Date of Signature

 0076288

Zachary Swisher, Attorney for Respondent

6/2/14

Date of Signature



Kevin J. Mitchell, R.Ph., President
Ohio State Board of Pharmacy

10 June 14

Date of Signature



Charissa D. Payer, Ohio Assistant Attorney General

6/6/14

Date of Signature



OHIO STATE BOARD OF PHARMACY

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-971024-014)

In The Matter Of:

MICHAEL DAVID CONNELL, R.Ph.

13870 Donald Drive

Brook Park, Ohio 44142

(R.Ph. No. 03-2-10223)

This Settlement Agreement is entered into by and between Michael David Connell 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.

Michael David Connell 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.

Michael David Connell is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges being filed by the Board against Michael David Connell and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Michael David Connell'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) Michael David Connell 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 Michael David Connell was originally licensed in the state of Ohio on July 20, 1972, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio. Records further reflect that Mr. Connell is the Responsible Pharmacist at the Parma Drug Co. pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Section 4729-5-11 of the Ohio Administrative Code.
 - (2) Michael David Connell did, on or about January 31, 1997, 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: Michael David Connell sold 28 units of Adipex-P 37.5mg for diet to patient #1

pursuant to prescription number 643763 which was not issued for a legitimate medical purpose pursuant to Rule 4731-11-04 of the Ohio Administrative Code, and thereby failing to fulfill his corresponding responsibility pursuant to Section 1306.04 of the Code of Federal Regulations and Rule 4729-5-30 of the Ohio Administrative Code. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (3) Michael David Connell 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 Michael David Connell 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, and thereby failing to fulfill his corresponding responsibility pursuant to Section 1306.04 of the Code of Federal Regulations and Rule 4729-5-30 of the Ohio Administrative Code:

<u>Rx Number</u>	<u>Written</u>	<u>Filled</u>
619153	12/18/95	01/08/96
620872	01/15/96	02/05/96
622812	02/12/96	03/04/96
625539	03/28/96	04/15/96
626388	04/06/96	04/29/96
627144	04/22/96	05/13/96
628729	05/20/96	06/10/96
629637	06/03/96	06/24/96

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

- (4) Michael David Connell 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 Michael David Connell sold controlled substances for diet to patient #3 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, and thereby failing to fulfill his corresponding responsibility pursuant to Section 1306.04 of the Code of Federal Regulations and Rule 4729-5-30 of the Ohio Administrative Code:

<u>Rx Number</u>	<u>Written</u>	<u>Filled</u>	<u>Drug</u>	<u>Quantity</u>
620370	01/25/96	01/27/96	Didrex 50 mg	56
634596	09/12/96	09/13/96	Didrex 50 mg	56
639665	09/26/96	11/30/96	Redux 15 mg	56

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

- (5) Michael David Connell 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 Michael David Connell sold 56 units of Didrex 50mg for diet to patient #4 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, and thereby failing to fulfill his corresponding responsibility pursuant to Section 1306.04 of the Code of Federal Regulations and Rule 4729-5-30 of the Ohio Administrative Code:

<u>Rx Number</u>	<u>Written</u>	<u>Filled</u>
645204	02/07/97	02/23/97
648590	03/27/97	04/16/97
650119	05/08/97	05/11/97

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 any formal proceedings at this time, Michael David Connell knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Michael David Connell's pharmacist identification card, No. 03-1-07265, will be placed on probation for two years. 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 Michael David Connell's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
 - (2) Michael David Connell must take and successfully complete the jurisprudence examination offered by the Board on February 3, 1998, or June 30, 1998. If Michael David Connell has not successfully completed the examination prior to July 15, 1998, his license will be suspended until this condition has been achieved.
 - (3) Michael David Connell must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (4) Michael David Connell must abide by the rules of the Ohio State Board of Pharmacy.
 - (5) Michael David Connell 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) Michael David Connell agrees to the imposition of a monetary penalty of two thousand five hundred dollars (\$2,500.00) 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.

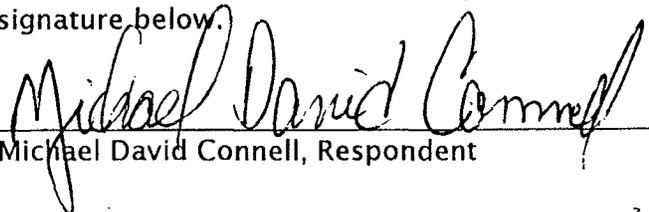
If, in the judgment of the Board, Michael David Connell appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to, at any time, revoke probation, modify the conditions of probation, and reduce or extend the period of probation, 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.

Michael David Connell 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.

Michael David Connell 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. Michael David Connell 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. Michael David Connell 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 date of Board President's signature below.



Michael David Connell, Respondent

1-8-98

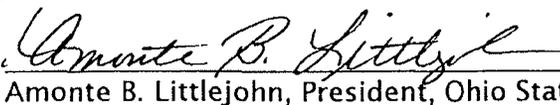
Date of Signature



Jeffrey S. Richardson, Attorney for Respondent

1-8-98

Date of Signature



Amonte B. Littlejohn, President, Ohio State Board of Pharmacy

1-14-98

Date of Signature



Sally Ann Steuk, Ohio Assistant Attorney General

1-14-98

Date of Signature