

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
(Docket No. D-020912-008)

In The Matter Of:

RONALD WILLIAM CAREY, R.Ph.
7910 Laura Avenue N.W.
Massillon, Ohio 44646
(R.Ph. No. 03-2-11234)

This Settlement Agreement is entered into by and between Ronald William Carey 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.

Ronald William Carey 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. Ronald William Carey 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, Ronald William Carey is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about September 12, 2002, pursuant to Chapter 119. of the Ohio Revised Code, Ronald William Carey 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. Ronald William Carey requested a hearing; it was scheduled and continued. The September 12, 2002, Notice of Opportunity for Hearing contains the following allegations or charges:

Ronald William Carey neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated September 12, 2002; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same:

- (1) Records of the Board of Pharmacy indicate that Ronald William Carey was originally licensed in the State Of Ohio on August 4, 1975, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Ronald William Carey did, on or about June 23, 2001, misbrand a drug, to wit: when Ronald William Carey received a prescription for 45 unit doses of Cardura 4 mg, number 146979, Ronald William Carey dispensed 45 unit doses of Coumadin 4 mg, which had not been prescribed by the physician. The patient was subsequently hospitalized. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

- (3) Ronald William Carey did, on or about June 23, 2001, fail to perform prospective drug utilization review, to wit: when dispensing medications to a patient pursuant to prescription number 146979, Ronald William Carey failed to review the original prescription and/or refill information for over-utilization, incorrect drug dosage and duration of drug treatment, and misuse. Such conduct is in violation of Rule 4729-5-20 of the Ohio Administrative Code.

Wherefore, the parties, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Ronald William Carey knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Ronald William Carey agrees to the imposition of a monetary penalty Two Hundred and Fifty Dollars (\$250.00) 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.
- (B) Ronald William Carey must obtain within one year from the effective date of this agreement, completion of 0.3 CEUs (three hours) of continuing pharmacy education focused on preventing prescription errors in a retail pharmacy. These hours are in addition to those required for renewal.

If, in the judgment of the Board, Ronald William Carey 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.

Ronald William Carey 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.

Ronald William Carey 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. Ronald William Carey 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. Ronald William Carey 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 the Board President's signature below.

SIGNED AND EFFECTIVE MARCH 3, 2003