



IN THE MATTER OF:

CASE NO. 2015-1229-B

Henry Eyman, R.Ph.
1801 N. Fountain Boulevard
Springfield, Ohio 45504

Pharmacist License No. 03213233

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Henry Eyman, for the purpose of resolving all issues between the parties relating to the OSBP investigation of the error in dispensing of prescription #6262655. Together, OSBP and Henry Eyman are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Henry Eyman is a licensed pharmacist under license number 03213233.

FACTS

1. On or about March 12, 2015, the OSBP initiated an investigation of Henry Eyman, pharmacist license number 03213233, related to Henry Eyman's error in dispensing of prescription #6262655.
2. On or about July 18, 2016, the OSBP sent a Notice of Opportunity for Hearing to Henry Eyman, which outlined the allegations and provided notice of his right to a hearing, his rights in such hearing, and his right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.

77 South High Street, 17th Floor, Columbus, Ohio 43215



2. Henry Eyman neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated July 18, 2016; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. Henry Eyman agrees to pay to the OSBP the amount of \$750.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the OSBP, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
4. Henry Eyman must obtain, within 90 days from the effective date of this Agreement, 6 hours of approved continuing pharmacy education (0.6 CEUs) in medication errors and/or patient safety, which may not also be used for license renewal. Copies of completed CEUs must be e-mailed to legal@pharmacy.ohio.gov.
5. Henry Eyman agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Henry Eyman understands that he has the right to be represented by counsel for review and execution of this agreement.
7. Henry Eyman agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which he currently holds a professional license, including to the OSBP on renewal applications or applications for a new license.
8. Henry Eyman waives any right to an appeal and an opportunity to be heard pursuant to Chapter 119 of the Ohio Revised Code and specifically waives his right to a hearing in this matter.
9. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
10. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
11. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
12. This Agreement shall become effective upon the date of the Board President's signature below.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties to this Agreement have executed it and/or cause it to be executed by their duly authorized representatives.

Approved by:

Henry Eyman
Henry Eyman, Respondent

Mary Chelly McBride
Attorney for Respondent (if applicable)

Michael A. Moné
Michael A. Moné, R.Ph., President,
Ohio State Board of Pharmacy

Matthew J. Lampke
Matthew J. Lampke, Ohio Assistant Attorney General

8/10/2016
Date of Signature

08/17/2016
Date of Signature

9/13/2016
Date of Signature

9/13/16
Date of Signature



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-980727-004)

In The Matter Of:

HENRY B. EYMAN, R.Ph.
1801 N. Fountain Boulevard
Springfield, Ohio 45504-1406
(R.Ph. No. 03-2-13233)

INTRODUCTION

THE MATTER OF HENRY B. EYMAN CAME TO HEARING ON NOVEMBER 4, 1998, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; PAUL F. LAMPING, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

HENRY B. EYMAN WAS REPRESENTED BY DOUGLAS E. GRAFF, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) None

Respondent's Witnesses:

- (1) Henry B. Eyman, Respondent
(2) David W. Baker, R.Ph., Pharmacists Rehabilitation Organization, Inc.
(3) Rodney Stone, M.D.

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of four-page Settlement Agreement with the State Board of Pharmacy, Docket No. D-970423-037, in the matter of Henry B. Eyman effective September 8, 1997.

- (2) Exhibit 1A--Hearing Request letter dated July 22, 1998.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated July 27, 1998.

Respondent's Exhibits:

- (1) Exhibit A--Copies of the following: two-page Curriculum Vitae of Henry B. Eyman, four-page Settlement Agreement with the State Board of Pharmacy, Docket No. D-970423-037, in the matter of Henry B. Eyman effective September 8, 1997, and bound, tabbed sections as follows: PRO--Two-page Pharmacists Rehabilitation Organization, Inc. Pharmacist's Recovery Contract of Henry Eyman dated September 8, 1997; five letters from Henry B. Eyman dated October 8, 1997; January 14, 1998; April 1, 1998; July 6, 1998; and October 1, 1998; and four letters from Rodney E. Stone, M.D. dated October 7, 1997; January 29, 1998; April 30, 1998; and July 22, 1998. Urines--Twenty-three urine drug screen reports of Henry B. Eyman dated as follows: July 16, 1997; July 24, 1997; two dated September 4, 1997; August 8, 1997; August 27, 1997; two dated September 3, 1997; October 6, 1997; September 23, 1997; October 1, 1997; October 21, 1997; November 21, 1997; December 19, 1997; January 23, 1998; February 21, 1998; March 20, 1998; April 17, 1998; May 26, 1998; June 30, 1998; September 18, 1998; August 20, 1998; September 24, 1998; and October 10, 1998. Meetings--Thirteen pages of meeting attendance verification sheets of Henry B. Eyman dated from May 6, 1997, through October 28, 1998. Legal--Bill of Information in the Montgomery County Common Pleas Court, Case No. 98-CR-181, State of Ohio vs. Henry B. Eyman, dated March 20, 1998; Entry and Order For Fingerprints in the Montgomery County Common Pleas Court, Case No. 98-CR-181, State of Ohio vs. Henry B. Eyman, dated March 20, 1998; Record regarding probation, court costs, and restitution; Montgomery County Adult Probation Department Drug Testing Instructions of Henry B. Eyman dated April 6, 1998; Results History of Henry B. Eyman dated from March 27, 1998, through May 1, 1998, with business card of Peter L. Geraci; Results History of Henry B. Eyman dated May 7, 1998, through June 4, 1998, with business card of Peter L. Geraci; and Termination Entry in the Montgomery County Common Pleas Court, Case No. 98-CR-181, State of Ohio vs. Henry B. Eyman, dated June 16, 1998. Greene Hall--Letter from Carla C. McConnell dated February 26, 1998; Greene Hall Interdisciplinary Treatment Plan dated from June 10, 1997, through October 22, 1997; two-page Greene Memorial Hospital, Inc. Behavioral Services Clinical Summary of Henry Eyman dated June 5, 1997; Greene Hall Outpatient Services Medical History Review of Henry B. Eyman signed by John Peterangelo, D.O., not dated; and two-page letter from Carla C. McConnell dated September 21, 1998. Letters--Letter from David W. Baker, not dated; letter from Rodney E. Stone dated October 2, 1998; letter from Nick A. Kallis dated November 1, 1998; letter (with original signature) from Stacey Eyman, not dated; letter from Hubert B. Eyman dated October 11, 1998; letter from Thomas E. and Phyllis Kuhn, not dated; letter from Thor G. Ronemus dated September 22, 1998; letter from Susan M. Fesus dated October 4, 1998; letter from Wayne C. Miller dated October 20, 1998; letter from Phyllis Grauer dated October 20, 1998; letter from Charles Broussard dated October, 1998; letter from Rev. Dr. David E. Imhoff dated October 13,

1998; letter from Steve M. Friday dated October 8, 1998; letter from Larry G. Maden dated September 29, 1998; letter from Mark S. Wenzel dated October 4, 1998; letter from Greg Jacobs dated September 30, 1998; letter from Bradford J. Murphy dated October 13, 1998; two-page letter from James F. Liebetrau dated October 6, 1998; and letter from William A. Romer dated October 4, 1998. ACPE--Note regarding continuing education accumulated to date; Continuing pharmacy education participation certificates of Henry Eyman as follows: 036-300-98-01-J dated May 15, 1998; 036-106-98-001 and 036-106-98-002-J dated May 11, 1998; 424-999-96-009-HO4 dated August 3, 1998; 680-038-95-028 dated September 2, 1998; 316-999-96-044-H01 dated September 24, 1998; 424-000-95-021-H01 dated September 24, 1998; 424-000-95-013-H01 dated August 24, 1998; 692-424-94-012 dated October 14, 1996; 073-000-96-011-H01 dated October 22, 1998; 424-000-96-007-H01 dated October 21, 1998; 163-999-97-076-H01 dated October 19, 1998; 424-000-95-023-H01 dated October 9, 1998; and 038-799-96-005-H01 dated October 12, 1998; and a list of other programs completed.

FINDING OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Henry B. Eyman has complied with the terms set forth in the Settlement Agreement with the State Board of Pharmacy, Docket No. D-970423-037, effective September 8, 1997.

ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card of Henry B. Eyman to practice pharmacy in the state of Ohio and places him on probation for five years from the date his identification card is issued, with the following conditions:

- (A) Henry B. Eyman must enter into a new contract, after the effective date of this Order, with a treatment provider acceptable to the Board, for a period of not less than five years and submit a copy of the signed contract to the Board office with the renewal application. The contract must provide that:
 - (1) Random, **observed** urine drug screens shall be conducted at least every three months.
 - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
 - (b) Alcohol and Methylphenidate must be added to the standard urine drug screen. Testing for alcohol must be conducted within forty-eight

hours from the time the sample is given. A breathalyzer may be used to test for alcohol, but the test must be conducted by an appropriately certified individual within twelve hours of notification.

- (c) Results of urine screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract and probation.
 - (2) The intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion.
 - (3) Regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required.
 - (4) The program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (B) Henry B. Eyman must submit quarterly progress reports to the Board; due January 10; April 10; July 10; and October 10; of each year of probation, that include:
- (1) The written report and documentation provided by the treatment program pursuant to the contract, and
 - (2) A written description of his progress towards recovery and what he has been doing during the previous three months.
- (C) Other terms of probation are as follows:
- (1) The State Board of Pharmacy hereby declares that Henry B. Eyman's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
 - (2) Henry B. Eyman may not serve as a responsible pharmacist.
 - (3) Henry B. Eyman may not destroy, assist in, or witness the destruction of controlled substances.
 - (4) Henry B. Eyman must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.

- (5) Henry B. Eyman must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (6) Henry B. Eyman must abide by the rules of the Ohio State Board of Pharmacy.
- (7) Henry B. Eyman must comply with the terms of this Order.

Henry B. Eyman is hereby advised that 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.

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

MOTION CARRIED.

SO ORDERED.



OHIO STATE BOARD OF PHARMACY

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AMENDED ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-980727-004)

In The Matter Of:

HENRY B. EYMAN, R.Ph.
1801 N. Fountain Boulevard
Springfield, Ohio 45504-1406
(R.Ph. No. 03-2-13233)

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FINDING OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

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ACTION OF THE BOARD

The State Board of Pharmacy hereby approves the reinstatement of the pharmacist identification card of Henry B. Eyman to practice pharmacy in the state of Ohio and places him on probation for five years from the date his identification card is issued, with the following conditions:

- (A) Henry B. Eyman must enter into a new contract, after the effective date of this Order, with a treatment provider acceptable to the Board, for a period of not less than five years and submit a copy of the signed contract to the Board office with the renewal application. The contract must provide that:
 - (1) Random, **observed** urine drug screens shall be conducted at least every three months.

- (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
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 - (c) Results of urine screens must be negative. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract and probation.
- (2) The intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion.
 - (3) Regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required.
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- (B) Henry B. Eyman must submit quarterly progress reports to the Board; due January 10; April 10; July 10; and October 10; of each year of probation, that include:
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MOTION CARRIED.

SO ORDERED.



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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-970423-037)

In the Matter of:

HENRY B. EYMAN, R.Ph.

1801 N. Fountain Blvd.

Springfield, Ohio 45504-1406

(R.Ph. No. 03-2-13233)

This Settlement Agreement is entered into by and between Henry B. Eyman, 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.

Henry B. Eyman 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.

Henry B. Eyman 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, Henry B. Eyman 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 April 23, 1997, pursuant to Chapter 119. of the Ohio Revised Code, Henry B. Eyman 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, in accordance with Chapter 119. of the Ohio Revised Code, a hearing was requested and scheduled for September 8, 1997.

- (C) Henry B. Eyman stipulates to the allegations stated in the Summary Suspension Order/Notice of Opportunity for Hearing letter dated April 23, 1997, and the Board herein adjudicates the same:
- (1) Records of the Board of Pharmacy indicate that Henry B. Eyman is a pharmacist registered by this Board to practice pharmacy in the state of Ohio. On April 23, 1997, Henry B. Eyman's license was suspended in accordance with Section 3719.121(B) of the Ohio Revised Code.
 - (2) Henry B. Eyman did, for the two years immediately preceding April 14, 1997, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of the Brown Drug Company, beyond the express or implied consent of the owner, to wit: Henry B. Eyman was observed stealing and abusing controlled substances while engaged in the practice of pharmacy. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
 - (3) Henry B. Eyman did, knowingly use a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Henry B. Eyman was observed, and Henry B. Eyman admitted, abusing the controlled substances Vicodin, Lorcet Plus, Percocet, Percodan, and Ritalin without a prescription for the drugs. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
 - (4) Henry B. Eyman is addicted to or abusing controlled substances to such a degree as to render him unfit to practice pharmacy within the meaning of Sections 3719.121 and 4729.16 of the Ohio Revised Code, to wit: Henry B. Eyman admitted that while practicing pharmacy over a period of approximately two years he stole and abused controlled substances for pain and also to combat fatigue of working long hours in a pharmacy.

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

- (A) The removal of the Summary Suspension Order issued April 23, 1997, pursuant to Section 3719.121(B) of the Ohio Revised Code.
- (B) The indefinite suspension of his pharmacist identification card, No. 03-2-13233.
 - (1) Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Henry B. Eyman may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or

distribute dangerous drugs during such period of suspension.

- (2) Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of the notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.
- (C) On October 23, 1998, or thereafter, the Board will consider any petition filed by Henry B. Eyman for a hearing, pursuant to Revised Code Chapter 119. of the Ohio Revised Code, upon the question of the reinstatement of his license to practice pharmacy in Ohio. The Board will consider the reinstatement of the license only if the following conditions have been met:
- (1) Henry B. Eyman must enter into a contract with a limited treatment provider acceptable to the Board for a period of not less than five years from the effective date of this Agreement and, upon signing, submit a copy of the contract to the Board office. The contract must provide:
 - (a) random, **observed** urine drug screens shall be conducted at least every three months. The urine drug screens must report testing for alcohol; and must also report testing for creatinine or specific gravity of the sample as the dilutional standard;
 - (b) regular attendance, at least three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meetings, and at meetings of a professional support group, is required during outpatient treatment and/or during aftercare; and
 - (c) the program shall immediately report to the Board of Pharmacy any positive urine screens and/or other violations of the contract.
 - (2) Henry B. Eyman upon petitioning the Board for reinstatement must provide evidence of documented sobriety from the effective date of this agreement. The documentation must include:
 - (a) the results of an examination of his chemical dependency status including an addictionology consultation and proposed treatment plan;
 - (b) any testimonials from others;

- (c) all contract(s) with treatment providers and written documentation from the treatment provider(s) regarding compliance with the program(s);
- (d) copies of all urine screen reports; and
- (e) evidence of continuing pharmacy education if required to report during the period of suspension.

If, in the judgment of the Board, Henry B. Eyman 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.

Henry B. Eyman 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.

Henry B. Eyman 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. Henry B. Eyman 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.

/s/ Henry B. Eyman
Henry B. Eyman, Respondent

/d/ 9/5/97
Date of Signature

/s/ Douglas E. Graff
Douglas E. Graff, Attorney for Respondent

/d/ 9/8/97
Date of Signature

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

/d/ 9/8/97
Date of Signature

/s/ Mary L. Hollern
Mary L. Hollern, Ohio Assistant Attorney General

/d/ 9/8/97
Date of Signature