

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
(Docket No. D-030124-059)

In The Matter Of:

LORI KATZ, R.Ph.
1631 NE Broadway, #230
Portland, Oregon 97232
(R.Ph. No. 03-2-13813)

This Settlement Agreement is entered into by and between Lori Katz 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.

Lori Katz enters into this Agreement being fully informed of her 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.

Lori Katz is knowingly and voluntarily acknowledging that, in order to settle possible disciplinary charges in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Lori Katz'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:

- (1) 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.
- (2) Records of the Board of Pharmacy indicate that Lori Katz was originally licensed in the State of Ohio on August 1, 1980, pursuant to examination.
- (3) Lori Katz did, prior to November 20, 2001, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Hi School Pharmacy, Estacada, Oregon, beyond the express or implied consent of the owner, to wit: Lori Katz admittedly stole hydrocodone tablets, a schedule III controlled substance. Such conduct, if committed in Ohio, violates Section 2913.02 of the Ohio Revised Code, and if proven constitutes being guilty of a felony or 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
- (4) Lori Katz did, prior to November 20, 2001, knowingly possess or use a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Lori Katz admitted taking and using hydrocodone tablets, a schedule III controlled substance. Such conduct, if committed in Ohio, violates Section 2925.11 of the Ohio Revised Code, and if proven constitutes being guilty of gross immorality and/or willfully violating the provisions of Chapter 2925. of the Ohio Revised Code within the meaning of Section 4729.16 of the Ohio Revised Code.

- (5) Lori Katz's license to practice pharmacy in the State of Oregon was, on or about June 6, 2001, placed on probation for 12 months, due to theft of prescription drugs for personal abuse. Oregon Board of Pharmacy vs. Lori Katz, R.Ph., Case No. 01-0033. Such conduct, if committed in Ohio, is in violation of Section 2925.11 of the Ohio Revised Code. Such action indicates that Lori Katz is addicted to or abusing drugs to such a degree as to render her unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (6) Lori Katz's license to practice pharmacy in the State of Oregon was, on or about November 20, 2001, extended to 18 months probation, due to a positive drug screen for butalbitol. Oregon Board of Pharmacy vs. Lori Katz, R.Ph., Case No. 01-0033 and 01-0365. Such action indicates that Lori Katz is addicted to or abusing drugs to such a degree as to render her unfit to practice pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

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

- (1) Lori Katz must abide by the conditions as set forth in the Amended Consent Order of the Oregon State Board of Pharmacy dated November 20, 2001.
- (2) Lori Katz must inform the Ohio State Board of Pharmacy if she plans to return to Ohio to practice pharmacy in Ohio.

If, in the judgment of the Board, Lori Katz 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.

Lori Katz acknowledges that she 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.

Lori Katz waives any and all claims or causes of action she 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. Lori Katz 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. Lori Katz agrees that should the Board reject this Agreement and if this case proceeds to hearing, she 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