

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
(Docket No. D-030108-049)

In The Matter Of:

ROBERT THOMAS LAWLEY, R.Ph.
171 Chapman Lane
Durango, Colorado 81301
(R.Ph. No. 03-2-13837)

This Settlement Agreement is entered into by and between Robert Thomas Lawley 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.

Robert Thomas Lawley 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.

Robert Thomas Lawley 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 Robert Thomas Lawley'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 Robert Thomas Lawley was originally licensed in the State of Ohio on August 1, 1980, pursuant to examination. Records further indicate Robert Thomas Lawley's license expired on September 15, 2002.
- (3) Robert Thomas Lawley became addicted to the use of controlled substances, to wit; Robert Thomas Lawley has admitted to the Colorado State Board of Pharmacy, and to an Agent of the Ohio State Board of Pharmacy, that he became addicted to controlled substances and that he has undergone treatment for his addiction. Robert Thomas Lawley stated, because of his illnesses, he started abusing Diazepam and Hydrocodone/APAP, using approximately 150 to 200 units more than prescribed of each drug. Such conduct indicates that Robert Thomas Lawley falls within the ambit of Sections 3719.121 and 4729.16(A)(3) of the Ohio Revised Code.
- (4) On September 26, 2001, the Colorado State Board of Pharmacy issued its Stipulation and Final Agency Order in the matter of Robert Thomas Lawley, Case Number P-01-055, placing Robert Thomas Lawley's license on probation for three years, with provisions and stipulations.

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

- (1) Robert Thomas Lawley must abide by the conditions as set forth in the Stipulation and Final Agency Order of the Colorado State Board of Pharmacy dated September 26, 2001.
- (2) Robert Thomas Lawley must inform the Ohio State Board of Pharmacy if he plans to return to Ohio to practice pharmacy in Ohio.

If, in the judgment of the Board, Robert Thomas Lawley 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.

Robert Thomas Lawley 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.

Robert Thomas Lawley 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. Robert Thomas Lawley 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. Robert Thomas Lawley 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 APRIL 7, 2003