OHIO STATE BOARD OF PHARMACY

77 South High Street, 17th Floor; Columbus, Ohio 43266-0320

-Equal Opportunity Employer and Service Provider-

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
(Docket No. D-970529-042)

In The Matter Of:

LISA J. FIELDER, R.Ph.
20675 Bolender Pontius Road
Circleville, Ohio 43113
(R.Ph. No. 03-2-15580)

This Settlement Agreement is entered into by and between Lisa J. Fielder 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.

Lisa J. Fielder 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.

Lisa J. Fielder is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges being filed by the Board against her and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Lisa J. Fielder'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) Attached to and incorporated herein as State's Exhibit 1C1 is the Notice of Opportunity letter dated May 29, 1997. Lisa J. Fielder 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.

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

(A) A 30-day suspension of her pharmacist identification card, No. 03-2-15580, and such suspension is effective as of the date of the Agreement. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Lisa J. Fielder 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.

(B) Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is revoked, suspended, or refused, shall return her 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) Upon reinstatement of Lisa J. Fielder's pharmacist identification card, No. 03-2-15580, will be placed on probation for three 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 Lisa J. Fielder's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.

(2) Lisa J. Fielder may not serve as a responsible pharmacist.

(3) Lisa J. Fielder must not violate the drug laws of the state of Ohio, any other state, or the federal government.

(4) Lisa J. Fielder must abide by the rules of the Ohio State Board of Pharmacy.

(5) Lisa J. Fielder must comply with the terms of this Order.

(6) Lisa J. Fielder must take and successfully complete the jurisprudence examination offered by the Board on February 3, 1998, or June 30, 1998. If Lisa J. Fielder has not successfully completed the examination prior to July 15, 1998, her license will be suspended until this condition has been achieved.

For cause, the Board may at any time revoke probation, 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.

(D) Lisa J. Fielder agrees to the imposition of a monetary penalty of three thousand dollars ($3,000.00) to be paid in six equal installments, due on the 15th day of each month, from February, 1998, through July, 1998. 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, 17th Floor, Columbus, Ohio 43266-0320.

Lisa J. Fielder 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.

Lisa J. Fielder 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.

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. Lisa J. Fielder 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 Board President's signature below.

Lisa J. Fielder, Respondent — Date of Signature: 1/20/98

R. Kevin Kerns, Attorney for Respondent — Date of Signature: 1/21/98

Amonte B. Littlejohn, President, Ohio State Board of Pharmacy — Date of Signature: 2/9/98

Sally Ann Steuk, Ohio Assistant Attorney General — Date of Signature: 2/17/98