



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-040823-017)

In The Matter Of:

JOHN JAMES RAGAJI, R.Ph.

1730 Hickory Hill Drive
Columbus, Ohio 43228
(R.Ph. No. 03-2-15678)

INTRODUCTION

THE MATTER OF JOHN JAMES RAGAJI CAME FOR-HEARING ON DECEMBER 7, 2004, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: LAWRENCE J. KOST, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

JOHN JAMES RAGAJI WAS REPRESENTED BY DANIEL D. CONNOR AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witnesses

1. None

Respondent's Witnesses

1. Stephen D. Harris, R.Ph.
2. John James Ragaji, R.Ph., Respondent
3. Nicholas S. Ragaji, R.Ph.
4. Raleigh Smith, R.Ph.

State's Exhibits

1. Reinstatement Hearing Request letter from Daniel D. Connor [08-19-04]
1A-1C. Procedurals
2. State Board of Pharmacy Settlement Agreement in re John James Ragaji, R.Ph. [07-13-99]
- 2A. Complaint and Mayor's File record, City of Norton vs. John Ragaji, Case No. 96-TRD-55253, Norton Mayor's Court [02-04-96 to 03-18-96]
3. Final Disposition Court Record, City of Cuyahoga Falls vs. John J. Ragaji, Case No. 97TRC13834, Cuyahoga Falls Municipal Court District [05-21-98]
4. Notarized Statement of John James Ragaji [06-22-98]
5. Transcribed conversation between John James Ragaji and Paul J. Kover [06-22-98]

6. Woodmere Police Department Crime or Incident Report Complaint No. 97-0007 [01-07-97]; Statement and Affidavit of Damita Freeman Jones [01-06-97]; Commitment, Mittimus and Sentence, State of Ohio vs. John James Ragaji, Case No. 97CRB00071, Bedford Municipal Court [05-20-97]; Village of Woodmere Mayor's Court Receipt No. 13564 for Paid Fine by John James Ragaji [06-10-97]
7. Renewal Application for Pharmacist License of John James Ragaji [07-21-96]
8. Renewal Application for Pharmacist License of John James Ragaji [08-11-97]
9. Accusation, Board of Pharmacy, Department of Consumer Affairs, State of California, In the Matter of the Accusation Against: John Ragaji, John James Ragaji, Case No. 2580 [10-18-02]; Default Decision and Order [02-08-03]

Respondent's Exhibits

- A1. PRO Pharmacist's Recovery Contract for John Ragaji [10-15-02]
- A2. Copy of Ohio State Board of Pharmacy Minutes in re John James Ragaji's Settlement Agreement effective July 13, 1999, Res. No. 2000-010 [08-04-99]
- A3. Letter from Patricia F. Harris to John Ragaji [01-09-03]; Declaration of Service by Certified Mail No. 7001 1140 0000 4651 8776 [01-09-03]; California State Board of Pharmacy Default Decision and Order in re John Ragaji, John James Ragaji [02-08-03]; Accusation [10-18-02]
- A4. Springbrook Northwest Medical Record for John Ragaji [08-01-01 to 11-26-01]
- A5. Letter from Daniel D. Connor [12-02-04]; Accurate Assessments Medical Record for John Ragaji(*sic*) [11-21-02]
- A6. Compass Vision, Inc. Licensee Summary Report for John Ragaji [01-16-03 to 11-08-04]; Compass Vision Drug Panel 3 [not dated]; E-mail letter from Michael D. Quigley to Daniel Connor [11-23-04]
- A7. Drug Testing Custody and Control Forms [01-16-03 to 09-14-04]
- A8. Support Group Attendance Records [10-13-02 to 10-31-04]
- A9. Summary Reports of Continuing Pharmacy Education Exam History from U.S. Pharmacist [04-10-98 to 07-11-04] and from PowerRx-Pak C.E. [01-09-03 to 03-07-04]; five Continuing Pharmaceutical Education Certificates [04-27-03 to 04-25-04]
- A10. California State Driving History Report No. A4766474 [11/24/04]; Ohio Bureau of Motor Vehicles Abstract Driver Records for John J. Ragaji [11-30-04]
- A11. Nine letters of Support [01-09-03 to 10-26-04]; Hope Group Certificate of Appreciation [10-24-04]
- B. Support Group Attendance Records [11-01-04 to 12-01-04]

FINDING OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds that John James Ragaji has not complied with the terms set forth in the Settlement Agreement with the State Board of Pharmacy, Docket No. D-990305-036, effective July 13, 1999, nor has he demonstrated satisfactory proof to the Board that he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.

DECISION OF THE BOARD

On the basis of the Finding of Fact set forth above, and after consideration of the record as a whole, the State Board of Pharmacy hereby denies the reinstatement of the pharmacist identification card, No. 03-2-15678, held by John James Ragaji to practice pharmacy in Ohio. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, John James Ragaji may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during suspension.

Further, two years from the effective date of this Order, the Board will consider any petition filed by John James Ragaji for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

(A) John James Ragaji must obtain, within ninety days after the effective date of this Order, a full psychiatric evaluation by a licensed psychiatrist or psychologist and must abide by the treatment plan as designed by that psychiatrist or psychologist. The psychiatrist or psychologist must provide an initial status report, which includes the recommended treatment plan, directly to the Board office within ten days after completing the assessment.

(B) John James Ragaji must enter into a new contract, signed within thirty days after the effective date of this Order, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:

(1) Random, observed urine drug screens shall be conducted at least once each month.

(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 must be added to the standard urine drug screen. A Breathalyzer may be used to test for alcohol, but an appropriately certified individual must conduct the test within twelve hours of notification.

(c) Results of all drug and alcohol screens must be negative. Refusals of urine screens or diluted urine screens are equivalent to a positive result. Any positive results, including those that may have resulted from ingestion of food, but excluding false positives that resulted from medication legitimately prescribed, indicate a violation of the contract.

(2) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.

(3) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

(C) John James Ragaji must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.

(D) John James Ragaji must provide, at the reinstatement petition hearing, documentation of the following:

(1) Compliance with the licensed psychiatrist's or psychologist's recommended treatment plan;

(2) A report by the licensed psychiatrist or psychologist regarding John James Ragaji's fitness for readmission into the practice of pharmacy;

(3) Taking and passing, no more than six months prior to his reinstatement hearing, the Multistate Pharmacy Jurisprudence Examination (MPJE) or an equivalent examination approved by the Board;

(4) Compliance with the contract required above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug screen reports, meeting attendance records, treatment program reports, etc.);

(5) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;

(6) Compliance with the terms of this Order.

Upon such time as the Board may consider reinstatement, John James Ragaji will be afforded a Chapter 119. hearing. At such time, the Board may consider reinstatement with or without restrictions and/or conditions as the Board deems appropriate under the circumstances.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-8/Nay-0).

MOTION CARRIED.

SO ORDERED.

It is hereby certified by this Board that the preceding language is a copy of the Order entered upon its journal in this case.

JOHN JAMES RAGAJI, R.Ph.

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Order of the Board

Section 119.12 of the Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with both the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: JANUARY 6, 2005

CERTIFIED MAIL / Return Receipt
7003 0500 0002 4347 2818

WTW/lf

By: _____
William T. Winsley, M.S., R.Ph., Executive Director

c: Sally Ann Steuk, Assistant Attorney General
Daniel D. Connor, Attorney for Respondent; Connor & Behal LLP; 501 S. High Street;
Columbus, Ohio 43215



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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket No. D-990305-036

in the matter of:

JOHN JAMES RAGAJI, R.Ph.

2047 Akron-Peninsula Road
Akron, Ohio 44313

R.Ph. No. 03-2-15678

This Settlement Agreement is entered into by and between John James Ragaji 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.

John James Ragaji 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.

John James Ragaji is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against him and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against his 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) John James Ragaji 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:
 - (a) Records of the Ohio State Board of Pharmacy indicate that John James Ragaji was originally licensed in the State of Ohio on August 8, 1984, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
 - (b) John James Ragaji is abusing liquor or drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: on or about June 28, 1984, in Columbus, Ohio; February 4, 1996, in Norton, Ohio; June 11, 1987, in Columbus, Ohio; and July 29, 1997, in Cuyahoga Falls, Ohio, John James Ragaji was arrested and thereafter convicted of driving under the influence of drugs and/or alcohol, in violation of Section 4511.19 of the Ohio Revised Code, misdemeanors of the first degree. Further, John James Ragaji admitted to taking Ativan

.5mg, Ibuprofen, and Naprosyn from his employer to medicate himself for "hang-overs." John James Ragaji admitted that he had a problem with alcohol which, on occasion, has caused him to miss work.

- (c) John James Ragaji did, on or about May 20, 1997, plead "no contest" to and was convicted of Aggravated Menacing, to wit: John James Ragaji left fourteen threatening phone messages on his supervisor's answering machine, in violation of Local Ordinance 537.05(A), a misdemeanor of the first degree. Village of Woodmere vs. John James Ragaji, Case No. 97-CRB-00071, Bedford Municipal Court.
- (d) John James Ragaji did, on July 21, 1996, knowingly make a false statement with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, or registration, to wit: on his 1997 Renewal Application for Pharmacist License, John James Ragaji stated that within the previous eighteen months there were no charges pending, nor had he been convicted of a felony or misdemeanor; when, in fact, on or about March 7, 1996, John James Ragaji pled guilty to DUI. City of Norton vs. John Ragaji, Case No. 96TRD-55253. John James Ragaji was convicted of this charge on March 18, 1996, approximately four months before he submitted his license renewal application. Such conduct is in violation of Section 2921.13(A)(5) of the Ohio Revised Code.
- (e) John James Ragaji did, on August 11, 1997, knowingly make a false statement with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, or registration, to wit: on his 1998 Renewal Application for Pharmacist License, John James Ragaji stated that within the previous eighteen months, there were no charges pending, nor had he been convicted of a felony or misdemeanor. However, John James Ragaji was convicted of Aggravated Menacing on May 20, 1997, and on July 29, 1997, John James Ragaji was convicted of DUI. Less than two weeks later John James Ragaji stated on his renewal application that he had not been convicted of a misdemeanor in the last eighteen months. Such conduct is in violation of Section 2921.13(A)(5) 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, John James Ragaji knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) The indefinite suspension of his pharmacist identification card, No. 03-2-15678.
 - (1) Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, John James Ragaji may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs while suspended.
 - (2) Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is ... suspended, ... 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.

- (B) The Board will consider any petition filed by John James Ragaji 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) John James Ragaji must provide documented evidence of compliance with paragraph (2) below when petitioning the Board for reinstatement.
 - (2) John James Ragaji must enter into a contract with a limited treatment provider acceptable to the Board for a period of not less than two years immediately prior to reinstatement. The contract must provide:
 - (a) Random, **observed** urine drug screens shall be conducted at least every three months.
 - (i) 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.
 - (ii) Alcohol 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.
 - (iii) 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.
 - (b) The intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion.
 - (c) Regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required.
 - (d) The program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
 - (3) John James Ragaji must also provide, when petitioning the Board for reinstatement, driving record(s) for each state in which he has held a driver's license.

John James Ragaji 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.

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Order of the Board

John James Ragaji 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. John James Ragaji 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. John James Ragaji 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.

/s/ John J Ragaji
John James Ragaji, Respondent

/d/ 6-16-99
Date of Signature

/s/ Kurt S Siegfried
Kurt S. Siegfried, Attorney for Respondent

/d/ 6 16 99
Date of Signature

/s/ Robert B. Cavendish
President, Ohio State Board of Pharmacy
Robert B. Cavendish

/d/ 7/13/99
Date of Signature

/s/ Sally Ann Steuk
Sally Ann Steuk, Ohio Assistant Attorney General

/d/ 7-13-99
Date of Signature