



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

PHONE: 614/466-4143

FAX: 614/752-4836

E-MAIL: exec@bop.ohio.gov

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
VOLUNTARY SURRENDER WITH DISCIPLINARY ACTION PENDING
PERMANENT SURRENDER
(Docket Number D-090803-004)

In The Matter Of:

John Robert Stone, R.Ph.
1034 Vernon Heights Boulevard
Marion, Ohio 43302
(R.Ph. Number 03-2-17547)

This Settlement Agreement is entered into by and between John Robert Stone 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 Robert Stone 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 Robert Stone 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 John Robert Stone'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) John Robert Stone neither admits nor denies the allegations pending in the Board's investigation; however, the Board has initiated and conducted an investigation pursuant to the mandate of Sections 3719.18 and 4729.25 of the Ohio Revised Code.
- (C) John Robert Stone acknowledges that he has been made aware of the investigation and has not failed to cooperate in said investigation. John Robert Stone further acknowledges that he has not been promised or given anything to indicate that the State of Ohio will not proceed with criminal charges; that criminal charges may be or may have been filed pursuant to the discretion of the appropriate prosecuting attorney and/or grand jury. The execution of this agreement does not affect, and is not affected by, any such criminal proceedings.

John Robert Stone, R.Ph.

Page 2

Settlement Agreement

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of the filing of formal ADMINISTRATIVE charges and/or holding a 119. hearing at this time, John Robert Stone knowingly and voluntarily **SURRENDERS PERMANENTLY TO THE STATE BOARD OF PHARMACY HIS LICENSE AND REGISTRATION TO PRACTICE PHARMACY, WITH DISCIPLINARY ACTION PENDING.** Pursuant to Rule 4729-9-01(F),

John Robert Stone may not be employed by, or work in, any facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs.

John Robert Stone 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.

John Robert Stone 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 Robert Stone waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

John Robert Stone must return the identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Agreement unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

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.

John Robert Stone, R.Ph.

11/01/2011

Date of Signature

Daniel D. Connor, Attorney for Respondent

11/11/2011

Date of Signature

Donald M. Casar, President, Ohio State Board of Pharmacy

12/05/2011

Date of Signature

Tracy M. Nave, Ohio Assistant Attorney General

12/5/2011

Date of Signature



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SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

August 3, 2009

John Robert Stone, R.Ph.
1034 Vernon Hts. Blvd
Marion, Ohio 43302

Re: Ohio Registered Pharmacist
Number 03-2-17547

Dear Mr. Stone:

In accordance with Section 3719.121(A) of the Ohio Revised Code, the Board has determined that you are addicted to the use of controlled substances. The reasons for the Board's action are that you have committed any and/or all of the following acts:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on October 31, 1988, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio. Further, records reflect that you were previously disciplined by the Board on January 30, 1991.
- (2) You are addicted to or abusing drugs and/or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: you have admitted to stealing, abusing contrary to physician's orders, and being addicted to Lunesta, a Schedule IV Controlled Substance. Such conduct indicates that you are within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) You did, on or about July 2, 2009, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Discount Drug Mart, beyond the express or implied consent of the owner, to wit: you admittedly stole 8 tablets of Lunesta, a Schedule IV Controlled Substance. Such conduct is in violation of 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.

YOU ARE HEREBY NOTIFIED that Section 3719.121(A) of the Ohio Revised Code states, in pertinent part: "any ... pharmacist, ... who is or becomes addicted to the use of controlled substances, shall be suspended by the board that authorized the person's license, certificate, or registration..."

WHEREFORE, PURSUANT TO SECTION 3719.121(A) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE

STATE OF OHIO IS HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO POSSESS OR DISTRIBUTE DANGEROUS DRUGS. This suspension shall remain in effect until an adjudicatory hearing has been held pursuant to Chapter 119. of the Revised Code, and a final Order has been issued, during which time you may not engage in the practice of pharmacy.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states, in pertinent part:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;
- (9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;

John Robert Stone, R.Ph.

Page 3

Summary Suspension

(10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

IF YOU DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. YOUR REQUEST MUST BE IN WRITING, AND MUST BE RECEIVED IN THE OFFICE OF THE OHIO STATE BOARD OF PHARMACY ON OR PRIOR TO THE THIRTIETH (30TH) DAY FOLLOWING THE MAILING DATE OF THIS NOTICE. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the thirtieth (30th) day following the mailing of this notice, the Ohio State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part 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 notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

BY ORDER OF THE STATE BOARD OF PHARMACY

William T. Winsley, M.S., R.Ph.
Executive Director

WTW:lp (D-090803-004)

CERTIFIED MAIL / Return Receipt
7004 2510 0001 7345 0191

cc: Tracy Marie Greuel, Assistant Attorney General



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ORDER OF THE STATE BOARD OF PHARMACY (Docket No. D-951101-023)

In The Matter Of:

JOHN ROBERT STONE, R.Ph.
332 N. Market
Galion, Ohio 44833
(R.Ph. No. 03-1-17547)

INTRODUCTION

THE MATTER OF JOHN ROBERT STONE CAME TO HEARING ON MARCH 7, 1996, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: PAUL F. LAMPING, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; JOSEPH J. MASLAK, R.Ph.; WAYNE C. MILLER, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

JOHN ROBERT STONE WAS REPRESENTED BY TOM C. ELKIN, AND THE STATE OF OHIO WAS REPRESENTED BY MARY L. HOLLERN, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) None

Respondent's Witnesses:

- (1) John Robert Stone, Respondent
- (2) Sandra Stone, Wife of Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Order of the Ohio State Board of Pharmacy, Docket No. D-900917-021, in the matter of John Robert Stone dated January 30, 1991.
- (2) Exhibit 1A--Hearing Request letter dated October 26, 1995.
- (3) Exhibit 1B--Hearing Schedule letter dated November 1, 1995.

- (4) Exhibit 1C--Pharmacist File Front Sheet of John Robert Stone showing original date of registration as October 31, 1988.

Respondent's Exhibits:

- (1) Exhibit A--Three-page letter from William B. Schonberg dated February 14, 1996.
- (2) Exhibit B--Facsimile copy of letter from S. Lea Pierce dated March 5, 1996.
- (3) Exhibit C--Copy of Certificate of Participation for outstanding leadership as Program Aide for the Residential Drug & Alcohol Program of John Stone dated September 30, 1992.
- (4) Exhibit D--Facsimile copy of letter from L. Pierce dated March 5, 1996.
- (5) Exhibit E--Letter from Mary K. Stone dated March 5, 1996.
- (6) Exhibit F--Letter from Maureen E. Welch dated March 1, 1996.
- (7) Exhibit G--Letter from John R. Stone (Father of Respondent) dated March 3, 1996.
- (8) Exhibit H--Certificate of Participation of John Stone for successful completion of the Genesis Residential Program dated November 9, 1990.
- (9) Exhibit I--Certificate of Participation of John Stone for successful completion of the Genesis Residential Program dated February 12, 1991.
- (10) Exhibit J--Certificate of Participation of John Stone for successful completion of Stress Management dated October 31, 1990.
- (11) Exhibit K-- Certificate of Training of John R. Stone for successful completion of Stress Management dated June 19, 1991.
- (12) Exhibit L--Copy of Lauback Literacy Action Tutor Certificate of John R. Stone dated February 25, 1992; and copy of Ohio Central School System Octa-Gone, certificate of recognition of John R. Stone dated February 25, 1992.
- (13) Exhibit M--Certificate of John Stone for successful completion of the Parenting Class dated September 23, 1991.
- (14) Exhibit N--New Beginning Certificate of Appreciation of R. Stone dated October 1, 1992.
- (15) Exhibit O--New Beginning Certificate of Attendance of John Stone dated January 14, 1993.
- (16) Exhibit P--New Beginning Certificate of Attendance of John Stone dated May 23, 1993, and May 26, 1993.
- (17) Exhibit Q--New Beginning Certificate of Attendance of John Stone dated July 22, 1993.
- (18) Exhibit R--New Beginning Certificate of Attendance of John Stone dated March 3, 1994, and March 10, 1995.
- (19) Exhibit S--New Beginning Certificate of Attendance of John Stone dated September 9, 1993.
- (20) Exhibit T--New Beginning Certificate of Appreciation of John R. Stone dated May 12, 1994.
- (21) Exhibit U--New Beginnings Certificate of Appreciation for serving as Chairman of John Stone dated August 4, 1994.
- (22) Exhibit V--New Beginning Certificate of Attendance of John Stone dated May 4, 1995.
- (23) Exhibit W--New Beginning Certificate of Attendance of John Stone dated August 3, 1995.
- (24) Exhibit X--New Beginning Certificate of Attendance of John Stone dated December 1, 1994.
- (25) Exhibit Y--New Beginning Certificate of Attendance of John Stone dated August 17, 1995, and November 2, 1995.
- (26) Exhibit Z--Copy of Alcoholic Anonymous Meeting Attendance of John R. Stone dated from December 30, 1995, to March 2, 1996.

FINDINGS 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) Records of the Board indicate that John Robert Stone was originally licensed to practice pharmacy in the state of Ohio on October 31, 1988; and on January 30, 1991, John Robert Stone's license was suspended. The underlying facts behind the suspension were based on John Robert Stone's convictions of Operating a Motor Vehicle while Impaired and two counts of Aggravated Vehicular Homicide due to the use of alcohol and/or drugs.
- (2) John Robert Stone has submitted sufficient evidence to demonstrate to the Board that he has been working a successful recovery program.

ACTION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of John Robert Stone:

- (A) On the basis of the Findings of Fact set forth above, the State Board of Pharmacy hereby approves the petition for reinstatement of John Robert Stone's identification card, No. 03-1-17547, to practice pharmacy in the state of Ohio but will not renew such license until the following conditions have been met:
 - (1) John Robert Stone must provide documentation of 960 hours of experience working under the personal supervision of a registered pharmacist in good standing prior to renewal of his pharmacist identification card. The documentation must be submitted in the form of a notarized affidavit from each pharmacist personally supervising his activities. The affidavits must include such pertinent information as location of employment, date, time frame, and signature of supervising pharmacist.
 - (2) John Robert Stone must submit original continuing pharmacy education certificates documenting 4.5 C.E.U.s in compliance with Chapter 4729-7 of the Ohio Administrative Code for the three-year period prior to the date of submitting the application for renewal.
 - (3) John Robert Stone must enter into a contract, after the effective date of this Order, with a limited treatment provider acceptable to the Board for a minimum period of six years and, upon signing, submit a copy of the contract to the Board office. The contract must provide that:
 - (a) random, **observed** urine screens shall be conducted at least every three months. The urinalysis drug screens must include testing for alcohol and must also report testing for creatinine or specific gravity of the sample as the dilutional standard;
 - (b) regular attendance, a minimum of two times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required during outpatient treatment and/or during aftercare;

- (c) the intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion; and
- (d) the program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.

Upon making application for renewal, John Robert Stone must submit the affidavit/s documenting 960 hours of experience, the original certificates of 4.5 C.E.U.s in compliance with Chapter 4729-7 of the Ohio Administrative Code, and a copy of his six-year contract with a limited treatment provider.

- (B) Further, upon reinstatement of John Robert Stone's identification card, his license will be placed on probation for five years, from the effective date of registration, with the following conditions:
 - (1) John Robert Stone 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:
 - (a) the written report and documentation provided by the treatment program pursuant to the contract; and
 - (b) a written description of his progress towards recovery and what he has been doing during the previous three months.
 - (2) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that John Robert Stone's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
 - (3) The Board further stipulates that John Robert Stone may not serve as a responsible pharmacist.
 - (4) John Robert Stone may not destroy, or may not assist in or witness the destruction of controlled substances.
 - (5) John Robert Stone must abide by the contract from the treatment provider and any violation must be reported to the Board immediately.
 - (6) John Robert Stone must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (7) John Robert Stone must abide by the rules of the Ohio State Board of Pharmacy.
 - (8) John Robert Stone must comply with the terms of this Order.

John Robert Stone 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.