



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.pharmacy.ohio.gov>

ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-041008-029)

In The Matter Of:

CHESTER LEE PARKER, R.Ph.

818 Watten Lane

Westerville, Ohio 43081

(R.Ph. No. 03-2-24947)

INTRODUCTION

THE MATTER OF CHESTER LEE PARKER CAME FOR HEARING ON MAY 2, 2005, 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.

CHESTER LEE PARKER WAS REPRESENTED BY DAVID W. GRAUER. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness

1. Todd Zevchik, R.Ph., Ohio State Board of Pharmacy

Respondent's Witness

1. Chester Lee Parker, R.Ph., Respondent

State's Exhibits

1. Notice of Opportunity For Hearing letter [10-08-04]
 - 1A. Amendment Notice letter [10-13-04]
 - 1B-1E. Procedurals
2. State Board of Pharmacy Settlement Agreement In Re Chester Lee Parker, R.Ph. [02-04-03]
3. Rx #510249 [02-13-04]
4. CVS Pharmacy #5436 Patient Prescription Record [12-01-03 to 03-29-04]
5. CVS Pharmacy #5436 Prescription Register report [02-13-04]
6. Reprinted Label for Rx #510249 [02-13-04]; CVS /pharmacy Customer Receipt for Rx #510249 [02-13-04]
7. CVS Pharmacy Prescription Pick-Up Log [02-10-04 to 02-13-04]

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Respondent's Exhibits

- A-C. Three letters of Support [04-25-05 to 04-27-05]
- D. Professional Summary of Chester L. Parker [04-26-05]
- E. Statement of John R. Anderson [03-03-05]
- F. Letter from David W. Grauer to William T. Winsley [12-31-02]

FINDINGS 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 the following to be fact:

- (1) Records of the State Board of Pharmacy indicate that Chester Lee Parker was originally licensed as a pharmacist in the State of Ohio on September 18, 2001, pursuant to reciprocity, and is currently licensed to practice pharmacy in Ohio. Records further reflect that Chester Lee Parker was previously disciplined by the Board on February 4, 2003.
- (2) Chester Lee Parker did, on or about February 13, 2004, misbrand a drug, to wit: when Chester Lee Parker received a prescription for Topamax 25 mg, Rx #510249, he dispensed Toprol XL 25 mg, which had not been prescribed by the physician. The patient subsequently experienced seizures. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

CONCLUSION OF LAW

The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby imposes a monetary penalty of one hundred dollars (\$100.00) on Chester Lee Parker and payment of the monetary penalty is due and owing within thirty days of the mailing of this Order. The remittance should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-5/Nay-4).

MOTION CARRIED.

SO ORDERED.

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

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

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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 filing the original Notice of Appeal with the State Board of Pharmacy and a copy with 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: MAILED JUNE 9, 2005

By: _____
Timothy J. Benedict, R.Ph., Assistant Executive Director

CERTIFIED MAIL / Return Receipt
7003 0500 0002 4340 8343

TJB/lf

cc: Sally Ann Steuk, Assistant Attorney General
David W. Grauer, Attorney for Respondent; Squire, Sanders and Dempsey L.L.P.; 1300
Huntington Center; 41 South High Street; Columbus, Ohio 43215



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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-020912-015)

In The Matter Of:

CHESTER LEE PARKER, R.Ph.

818 Watten Lane

Westerville, Ohio 43081

(R.Ph. No. 03-2-24947)

This Settlement Agreement is entered into by and between Chester Lee Parker 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.

Chester Lee Parker 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.

Chester Lee Parker 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 Chester Lee Parker'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:

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.

Whereas, on or about September 12, 2002, pursuant to Chapter 119. of the Ohio Revised Code, Chester Lee Parker was notified of the allegations or charges against him, his right to a hearing, his rights in such hearing, and his right to submit contentions in writing. Further, a hearing was scheduled by the Board. The Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on September 18, 2001, pursuant to reciprocity, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You did, on or about February 27, 2002, fail to perform patient counseling, and/or prospective drug utilization review; to wit: after prescription #361880 had been dispensed to a patient and the patient called to ask questions, you failed to review

the original prescription and/or refill information for over-utilization, incorrect drug dosage and duration of drug treatment, and/or misuse; and you failed to offer or otherwise perform patient counseling. The patient had been prescribed 30 tablets of imipramine 25 mg, but was dispensed 30 tablets of indapamide 2.5 mg. When the patient came to the pharmacy to inquire about the wrong drug, you looked at the medication in the bottle and then simply dismissed the inquiry by stating "high blood pressure can cause bladder control problems," even though you had the knowledge, resources, and capability to correct the error and prevent patient harm. Such conduct is in violation of Rules 4729-5-20 and 4729-5-22 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct in the practice of pharmacy and/or willfully violating a rule of the Board 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, Chester Lee Parker knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (1) Pursuant to Sections 4729.16 and 4729.25(B), Chester Lee Parker is hereby reprimanded for the aforementioned violations of rules and/or laws.
- (2) In addition to any and all other Continuing Education requirements, Chester Lee Parker agrees to attend 1.0 hours of continuing education within one year of the effective date of this agreement for preventing prescription errors in a retail pharmacy.

Chester Lee Parker 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.

Chester Lee Parker 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. Chester Lee Parker 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. Chester Lee Parker 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 FEBRUARY 4, 2003