



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY (Docket Number D-100616-127)

In The Matter Of:

TRACY J. SOBONYA, R.Ph.
8717 Harvest Home Drive
Mentor, Ohio 44060
(R.Ph. No. 03-2-26327)

This Settlement Agreement is entered into by and between Tracy J. Sobonya 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.

Tracy J. Sobonya voluntarily 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, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Tracy J. Sobonya acknowledges that by entering into this agreement she has waived her rights under Chapter 119. of the Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, limit, place on probation, refuse to grant or renew an identification card or enforce a monetary penalty on the license holder for violation of any of the enumerated grounds therein.

Whereas, Tracy J. Sobonya is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about June 16, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Tracy J. Sobonya was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Tracy J. Sobonya requested a hearing; it was scheduled and continued. The June 16, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Tracy J. Sobonya was originally licensed in the State of Ohio on July 12, 2004, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Tracy J. Sobonya did, on or about September 19, 2009, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS, by deception, to wit: Tracy J. Sobonya took pursuant to RX #854555 for 30 fluoxetine 20 mg tablets, after altering the price to zero and not paying for the drugs. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (3) Tracy J. Sobonya did, on or about November 1, 2009, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS, by deception, to wit: Tracy J. Sobonya took pursuant to RX #854555 for 30 fluoxetine 20 mg tablets, after altering the price to zero and not paying for the drugs. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (4) Tracy J. Sobonya did, on or about November 5, 2009, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS, by deception, to wit: Tracy J. Sobonya took pursuant to RX #854555 for 30 fluoxetine 20 mg tablets, after altering the price to zero and not paying for the drugs. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (5) Tracy J. Sobonya did, on or about September 19, 2009, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS, by deception, to wit: Tracy J. Sobonya took pursuant to RX #855664 for 20 cefdinir 300 mg tablets, after altering the price to zero and not paying for the drugs. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (6) Tracy J. Sobonya did, on or about November 2, 2009, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS, by deception, to wit: Tracy J. Sobonya took pursuant to RX #858194 for 30 bupropion HCL XL 150 mg, after altering the price to zero and not paying for the drugs. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (7) Tracy J. Sobonya did, on or about December 15, 2009, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS, by deception, to wit: Tracy J. Sobonya took pursuant to RX #858194 for 30 bupropion HCL XL 150 mg, after altering the price to zero and not paying for the drugs. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (8) Tracy J. Sobonya did, on or about November 1, 2009, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of CVS, by deception, to wit: Tracy J. Sobonya took pursuant to RX #861448 for 250 ml of cetirizine HCL 1 mg/ml syrup, after altering the price to zero and not paying for the drugs. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (9) Tracy J. Sobonya did, from September 1, 2009, through December 15, 2009, knowing that she had no privilege to do so, and with purpose to defraud or knowing that she was facilitating a fraud, alter CVS computer records, to wit: Tracy J. Sobonya altered prescription prices for the following prescriptions to reflect zero cost:

Date	RX #	Drug Name
09/19/2009	854555	30 fluoxetine 20 mg
11/1/2009	854555	30 fluoxetine 20 mg
11/5/2009	854555	30 fluoxetine 20 mg
09/19/2009	855664	20 cefdinir 300 mg
11/2/2009	858194	30 bupropion HCL XL 150 mg
12/15/2009	858194	30 bupropion HCL XL 150 mg

11/1/2009 861448 250 ml cetirizine HCL 1 mg/syrup

Such conduct is in violation of Section 2913.42 of the Ohio Revised.

Tracy J. Sobonya neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated June 16, 2010; 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 a formal hearing at this time, Tracy J. Sobonya knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(A) Tracy J. Sobonya agrees to the imposition of a monetary penalty of six thousand dollars (\$6,000.00) due and owing within thirty days from the effective date of this Agreement. 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, Room 1702, Columbus, Ohio 43215-6126.

(B) In addition, Tracy J. Sobonya must obtain, within one year from the effective date of this Agreement, six hours of approved continuing pharmacy education in Jurisprudence or Ethics (0.6 CEUs), which may not also be used for license renewal.

If, in the judgment of the Board, Tracy J. Sobonya 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.

Tracy J. Sobonya 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.

Tracy J. Sobonya 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. Tracy J. Sobonya waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

Tracy J. Sobonya, R.Ph.

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Settlement Agreement

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.

_____	<u>10/13/2010</u>
Tracy J. Sobonya, R.Ph., Respondent	Date of Signature

_____	<u>10/13/2010</u>
Celeste Manway, Attorney for Respondent	Date of Signature

_____	<u>11/01/2010</u>
Richard F. Kolezynski, R.Ph., President, Ohio State Board of Pharmacy	Date of Signature

_____	<u>10/28/2010</u>
Tracy M. Greuel, Ohio Assistant Attorney General	Date of Signature