

**SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY**  
(Docket No. D-000915-009)

In The Matter Of:

**ROGER K. ELLIOTT, R.Ph.**  
2769 Dresden Road  
Zanesville, Ohio 43701  
(R.Ph. No. 03-3-07510)

This Settlement Agreement is entered into by and between Roger K. Elliott 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.

Roger K. Elliott 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.

Roger K. Elliott 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:

- (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) Roger K. Elliott admits the allegations stated in the Notice of Opportunity for Hearing letter dated September 15, 2000, which is attached hereto and incorporated herein; and, 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, Roger K. Elliott knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) An indefinite suspension of his pharmacist identification card, No. 03-3-07510, and such suspension is effective as of the date of this Agreement, April 4, 2001. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Roger K. Elliott 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 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.
- (C) The Board of Pharmacy will consider a petition for re-licensure only after a minimum period of suspension of two years from the date of this Agreement. In any such petition, Roger K. Elliott must present evidence of the following:
  - (1) Roger K. Elliott has obtained a full psychiatric evaluation by a licensed psychiatrist within sixty (60) days subsequent to the date of this Agreement. The evaluation and a plan of treatment must have been submitted to the Board office by the psychiatrist within thirty (30) days after the evaluation.
  - (2) The petition must be accompanied by a statement from the treating psychiatrist, issued within ninety (90) days preceding the date of the petition, which states the psychiatrist's professional opinion, based upon a reasonable degree of medical certainty, regarding Mr. Elliott's compliance with his treatment plan, his future treatment plans, and his ability to practice pharmacy.
- (D) The State Board of pharmacy hereby declares that Roger K. Elliott's pharmacist identification card is not in good standing.

UPON RECEIPT OF ANY SUCH PETITION FOR RE-LICENSURE, the State Board of Pharmacy will, pursuant to Chapter 119. of the Ohio Revised Code, schedule and conduct an adjudicatory hearing to determine Roger K. Elliott's competency to practice pharmacy. Whereupon, the Board, in its discretion pursuant to Section 3719.121 and 4729.16 of the Ohio Revised Code, may grant or deny re-licensure, or it may grant re-licensure and place restrictions upon Roger K. Elliott's practice of pharmacy.

Roger K. Elliott 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.

Roger K. Elliott 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. Roger K. Elliott waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

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 MAY 15, 2001**