



OHIO STATE BOARD OF PHARMACY

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-Equal Opportunity Employer and Service Provider-

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-030109-053)

In The Matter Of:

DAVID L. RIEDER, R.Ph.
333 Belleview Avenue
Chillicothe, Ohio 45601-3701
(R.Ph. No. 03-3-09634)

This Settlement Agreement is entered into by and between David L. Rieder 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.

David L. Rieder voluntarily 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, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. David L. Rieder acknowledges that by entering into this agreement he has waived his 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, 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, David L. Rieder is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about January 9, 2003, pursuant to Chapter 119. of the Ohio Revised Code, David L. Rieder 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. David L. Rieder requested a hearing; it was scheduled and continued. The January 9, 2003, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the Board of Pharmacy indicate that David L. Rieder was originally licensed in the State of Ohio on July 27, 1970, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) David L. Rieder did, from January 13, 2001, to September 23, 2001, by deception, procure the administration of, a prescription for, or the dispensing of a dangerous drug, to wit: David L. Rieder did, while working as a pharmacist at Kroger's Pharmacy, fill the following unauthorized prescriptions for himself:

<u>Rx No.</u>	<u>Date</u>	<u>Drug Type</u>	<u>Strength</u>	<u>Qty</u>
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6606574	01/13/01	Guaifen/PSE 600	60 mg	36
6607438	02/04/01	amoxicillin	500 mg	60
6607439	02/04/01	Guaifen/PSE 600	60 mg	115
6607937	02/17/01	amoxicillin	500 mg	30
6608200	02/24/01	naproxen	375 mg	57
6609199	03/28/01	loperamide	2 mg	60
6610133	05/08/01	naproxen	250 mg	60
6610683	06/04/01	naproxen	375 mg	60
6611110	06/23/01	Elimite Cream 5%		60
6611387	07/05/01	Methylprednisln DSPK	4 mg	21
6611387	07/30/01	Methylprednisln DSPK	4 mg	21
6612177	08/12/01	piroxicam	20 mg	18
6612891	09/04/01	Nalfon	300 mg	37
6613477	09/23/01	Ansaid	100 mg	100

Such conduct is in violation of Section 2925.22 of the Ohio Revised Code

(3)

- (4) David L. Rieder did, from July 1, 2000, through December 31, 2001, sell at retail dangerous drugs when the conduct was not in accordance with Chapters 4729. and 4731. of the Ohio Revised Code, to wit: without a prescription and without a legitimate medical purpose, David L. Rieder sold the following drugs to his mother:

<u>Rx No.</u>	<u>Date</u>	<u>Drug Type</u>	<u>Strength</u>	<u>Qty</u>
6600404	05/27/00	spironlactone	25 mg	60
6600404-refill	07/01/00	spironlactone	25 mg	60
6600404-refill	09/08/00	spironlactone	25 mg	60
6600404-refill	10/06/00	spironlactone	25 mg	60
6600404-refill	11/02/00	spironlactone	25 mg	60
6600404-refill	12/07/00	spironlactone	25 mg	60
6600404-refill	01/27/01	spironlactone	25 mg	60
6600404-refill	02/23/01	spironlactone	25 mg	60
6600404-refill	03/22/01	spironlactone	25 mg	60
6600404-refill	04/20/01	spironlactone	25 mg	60
6601781	07/01/00	Evista	60 mg	30
6602576	08/07/00	furosemide	40 mg	30
6602576-refill	09/20/00	furosemide	40 mg	30
6602576-refill	10/20/00	furosemide	40 mg	30
6602576-refill	10/26/00	furosemide	40 mg	30
6602576-refill	12/28/00	furosemide	40 mg	30
6602576-refill	02/23/01	furosemide	40 mg	30
6602576-refill	04/20/01	furosemide	40 mg	30
6602604	08/24/00	Zoloft	50 mg	30
6602604-refill	09/20/00	Zoloft	50 mg	30
6602604-refill	10/20/00	Zoloft	50 mg	30
6602604-refill	11/23/00	Zoloft	50 mg	30

<u>Rx No.</u>	<u>Date</u>	<u>Drug Type</u>	<u>Strength</u>	<u>Qty</u>
6602604-refill	12/28/00	Zoloft	50 mg	30
6602604-refill	01/27/01	Zoloft	50 mg	30
6602604-refill	03/01/01	Zoloft	50 mg	30
6602604-refill	03/30/01	Zoloft	50 mg	30
6603507	09/17/00	Evista	60 mg	30
6603507-refill	10/12/00	Evista	60 mg	30
6603507-refill	11/09/00	Evista	60 mg	30
6603507-refill	02/01/01	Evista	60 mg	30
6603507-refill	03/01/01	Evista	60 mg	30
6603507-refill	03/30/01	Evista	60 mg	30
6603507-refill	06/04/01	Evista	60 mg	30
6603507-refill	07/05/01	Evista	60 mg	30
6603507-refill	08/06/01	Evista	60 mg	30
6603507-refill	09/01/01	Evista	60 mg	30
6604421	10/22/00	loperamide	2 mg	30
6604421-refill	12/28/00	loperamide	2 mg	30
6604421-refill	03/01/01	loperamide	2 mg	30
6611010	06/19/01	Aricept	5 mg	34
6611806	07/24/01	Zoloft	50 mg	30
6611806-refill	08/18/01	Zoloft	50 mg	30
6611806-refill	09/23/01	Zoloft	50 mg	30
6611806-refill	10/22/01	Zoloft	50 mg	30
6611806-refill	11/16/01	Zoloft	50 mg	30
6611806-refill	12/31/01	Zoloft	50 mg	30
6613656	09/29/01	potassium	10 mg	180
6613656-refill	12/31/01	potassium	10 mg	180
6613657	09/29/01	Evista	60 mg	30
6613657-refill	11/04/01	Evista	60 mg	30
6613657-refill	11/30/01	Evista	60 mg	30
6613657-refill	12/31/01	Evista	60 mg	30

Such conduct is in violation of Section 4729.51(C)(1) of the Ohio Revised Code.

David L. Rieder neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 9, 2003; 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, David L. Rieder knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(A) David L. Rieder's license to practice pharmacy in the State of Ohio is on probation for a period of two (2) years commencing with the date of this Agreement. Terms of probation are as follows:

(1) The State Board of Pharmacy hereby declares that David L. Rieder's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.

(2) David L. Rieder may not serve as a responsible pharmacist.

(3) David L. Rieder may not destroy, assist in, or witness the destruction of controlled substances.

(4) David L. Rieder must not violate the drug laws of Ohio, any other state, or the federal government.

(5) David L. Rieder must abide by the rules of the State Board of Pharmacy.

(B) David L. Rieder agrees to the imposition of a monetary penalty of two thousand five hundred dollars (\$2,500.00) due and owing within sixty (60) 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, 17th Floor, Columbus, Ohio 43215-6126.

If, in the judgment of the Board, David L. Rieder 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.

David L. Rieder 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.

David L. Rieder 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. David L. Rieder 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. David L. Rieder 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.

David L. Rieder, Respondent

08/27/03
Date of Signature

09/02/03

Daniel D. Connor, Attorney for Respondent

Date of Signature

Robert P. Giacalone, President, Ohio State Board of Pharmacy

09/08/03
Date of Signature

Sally Ann Steuk, Ohio Assistant Attorney General

09/08/03
Date of Signature