

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
(Docket No. D-990726-008)

In The Matter Of:

JOHN H. LAFFERTY, R.Ph.
23951 Lakeshore Blvd., Ph 1 and 2
Cleveland, Ohio 44123
(R.Ph. No. 03-3-09658)

THIS SETTLEMENT AGREEMENT IS ENTERED INTO BY AND BETWEEN JOHN H. LAFFERTY 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 H. LAFFERTY 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. JOHN H. LAFFERTY ACKNOWLEDGES THAT BY ENTERING INTO THIS AGREEMENT HE HAS WAIVED HIS RIGHTS UNDER CHAPTER 119. OF THE REVISED CODE.

WHEREAS, the 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 therein.

WHEREAS, John H. Lafferty is licensed as a registered pharmacist in the state of Ohio and, therefore, falls under the jurisdiction of the State Board of Pharmacy.

WHEREAS, on or about July 26, 1999, and again on November 23, 1999, pursuant to Chapter 119. of the Ohio Revised Code, John H. Lafferty 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. The Notices of Opportunity for Hearing contain the following allegations or charges:

- (1) Records of the Board of Pharmacy indicate that John H. Lafferty 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. Further, during relevant time periods stated herein, John H. Lafferty practiced pharmacy while being employed at Chesterfield Pharmacy in Cleveland, Ohio.
- (2) John H. Lafferty did, prior to July 22, 1997, continuously fail to perform prospective drug utilization review and patient counseling, to wit: when dispensing medications to patients pursuant to prescriptions, John H. Lafferty failed to review the original prescriptions and/or refill information for over-utilization, incorrect drug dosage and duration of drug treatment, and misuse; and he failed to offer patient counseling. Such conduct is in violation of Rules 4729-5-20 and 4729-5-22 of the Ohio Administrative Code.

- (3) John H. Lafferty did, from December 13, 1995, through June 29, 1996, dispense drugs pursuant to improper prescriptions and kept them in the pharmacy, to wit: John H. Lafferty failed to either record the date of the dispensing and/or manually record his initials on original prescriptions numbered 23113937, 23113939, 23119726, and 23125375. Such conduct is in violation of Section 3719.07 of the Ohio Revised Code and Rule 4729-5-27(A) of the Ohio Administrative Code.
- (4) John H. Lafferty did, from February 10, 1996, through June 29, 1996, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold the following controlled substances to Patient #1 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23117006	Hydromet Syrup	240ml	2/10/96
23117006	Hydromet Syrup	240ml	2/15/96
23117003	hydrocodone 5mg/APAP 500mg	60	2/24/96
23118330	Hydromet Syrup	240ml	3/9/96
23121655	Hydromet Syrup	240ml	5/4/96
23125375	hydrocodone 5mg/APAP 500mg	60	6/29/96
23125376	Hydromet Syrup	240ml	6/29/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (5) John H. Lafferty did, from July 25, 1996, through August 13, 1996, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold the following controlled substances to Patient #1 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23125375	hydrocodone 5mg/APAP 500mg	60	7/25/96
23127024	Hydromet Syrup	240ml	8/9/96
23127026	hydrocodone 5mg/APAP 500mg	60	8/13/96

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (6) John H. Lafferty did, from November 15, 1995, through January 11, 1996, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold the following controlled substances to Patient #2 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23110601	hydrocodone 5mg/APAP 500mg	100	11/15/95
23113937	Hydromet Syrup	240ml	12/13/95
23113939	hydrocodone 5mg/APAP 500mg	84	12/13/95
23113937	Hydromet Syrup	240ml	12/16/95
23115287	Hydromet Syrup	240ml	1/11/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (7) John H. Lafferty did, on or about December 13, 1995, sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold 90 unit doses of Roxicet pursuant to prescription number 23113938 to Patient #2 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.
- (8) John H. Lafferty did, on or about September 21, 1996, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold 84 unit doses of hydrocodone 5mg/APAP 500mg pursuant to prescription number 23128349 to Patient #2 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (9) John H. Lafferty did, on March 22, 1996, and again on June 28, 1996, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than three times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion John H. Lafferty sold 112 unit doses of alprazolam 1mg pursuant to prescriptions numbered 23119729 and 23125306 to Patient #3 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) (as was in effect during said time period) of the Ohio Revised Code.
- (10) John H. Lafferty did, on March 22, 1996, and again on June 28, 1996, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than three times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion John H. Lafferty sold 168 unit doses of diazepam 10mg pursuant to prescription number 23119726 to Patient #3 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) (as was in effect during said time period) of the Ohio Revised Code.
- (11) John H. Lafferty did, on or about August 16, 1996, sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold 112 unit doses of alprazolam 1mg pursuant to prescription number 23127783 to Patient #3 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (12) John H. Lafferty did, on or about August 16, 1996, and again on February 19, 1997, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion John H. Lafferty sold 168 unit doses of diazepam 10mg pursuant to prescriptions numbered 23127786 and 301671 to Patient #3 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (13) John H. Lafferty did, on August 23, 1995, and again on September 6, 1995, sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion John H. Lafferty sold 14 unit doses of phentermine 37.5mg pursuant to prescriptions numbered 23107624 and 23108336 to Patient #4 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) (as was in effect during said time period) of the Ohio Revised Code.
- (14) John H. Lafferty did, from November 14, 1996, through June 13, 1997, sell a controlled substance in an amount exceeding the five times the bulk amount, but in an amount less than fifty times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold the following controlled substances to Patient #4 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23131680	hydrocodone 5mg/APAP 500mg	60	11/14/96
23132417	Hydromet Syrup	240ml	11/14/96
23133101	hydrocodone bit homatropine	240ml	11/30/96
23133099	hydrocodone 5mg/APAP 500mg	60	1/14/97
305948	hydrocodone 5mg/APAP 500mg	60	6/3/97
305948	hydrocodone 5mg/APAP 500mg	60	6/13/97

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (15) John H. Lafferty did, on August 7, 1996, and again on November 14, 1996, sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion John H. Lafferty sold 14 unit doses of phentermine 37.5mg pursuant to prescriptions numbered 23127256 and 23132414 to Patient #4 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (16) John H. Lafferty did, on February 8, 1996, and again on May 23, 1996, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than three times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold the following controlled substances to Patient #5 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23113453	diazepam 10mg	56	2/8/96
23121468	diazepam 10mg	84	5/23/96

Such conduct is in violation of Section 2925.03(A)(5) (as was in effect during said time period) of the Ohio Revised Code.

- (17) John H. Lafferty did, from December 14, 1995, through May 23, 1996, sell a controlled substance in an amount less than the bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold the following controlled substances to Patient #5 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23112912	Klonopin 2mg	35	12/14/95
23114819	Klonopin 2mg	42	1/13/96
23114819	Klonopin 2mg	42	2/1/96
23114819	Klonopin 2mg	42	2/8/96
23118704	Klonopin 2mg	100	5/23/96

Such conduct is in violation of Section 2925.03(A)(1) (as was in effect during said time period) of the Ohio Revised Code.

- (18) John H. Lafferty did, from April 20, 1996, through May 18, 1996, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold the following controlled substances to Patient #6 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23119069	hydrocodone 5mg/APAP 500mg	84	4/20/96
23120803	Hydromet Syrup	240	4/20/96
23121838	hydrocodone 5mg/APAP 500mg	90	5/18/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (19) John H. Lafferty did, from September 7, 1996, through May 31, 1997, sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold the following controlled substances to Patient #6 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23127583	Hydromet Syrup	240	9/7/96
23129956	hydrocodone 5mg/APAP 500mg	84	10/19/96
303974	hydrocodone 5mg/APAP 500mg	90	5/3/97
303975	hydrocodone compound	240	5/3/97
305346	hydrocodone 5mg/APAP 500mg	90	5/31/97
305784	hydrocodone compound	240	5/31/97

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

(20) John H. Lafferty did, on June 11, 1997, sell a controlled substance in an amount greater than the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold 100 unit doses of alprazolam 2mg pursuant to prescription number 303827 to Patient #8 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

(21) John H. Lafferty did, on April 19, 1997, sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold 90 unit doses of diazepam 10mg pursuant to prescription number 302195 to Patient #8 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

(22) John H. Lafferty did, from October 6, 1995, through April 5, 1996, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than three times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold the following controlled substances to Patient #9 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23110245	Pondimin 20mg	42	10/6/95
23111811	Pondimin 20mg	42	11/4/95
23118091	Pondimin 20mg	42	2/24/96
23119753	Pondimin 20mg	42	3/22/96
23120671	Pondimin 20mg	42	4/5/96

Such conduct is in violation of Section 2925.03(A)(5) (as was in effect during said time period) of the Ohio Revised Code.

(23) John H. Lafferty did, on August 24, 1996, sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold 42 unit doses of Pondimin 20mg pursuant to prescription number 23128189 to Patient #9 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

(24) John H. Lafferty did, on January 11, 1996, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than three times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold 240ml of Hydromet Syrup pursuant to prescription number 23115115 to Patient #10 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) (as was in effect during said time period) of the Ohio Revised Code.

(25) John H. Lafferty did, from December 14, 1995, through June 15, 1996, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold the following controlled substances to Patient #11 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23113982	APAP/codeine 15mg	90	12/14/95
23113982	APAP/codeine 15mg	90	1/11/96
23113982	APAP/codeine 15mg	90	2/8/96
23113982	APAP/codeine 15mg	90	2/22/96
23123558	APAP/codeine 15mg	90	6/15/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

(26) John H. Lafferty did, from December 14, 1995, through February 22, 1996, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold the following controlled substances to Patient #11 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23113981	hydrocodone 5mg/APAP 500mg	90	12/14/95
23115565	hydrocodone 5mg/APAP 500mg	90	1/11/96
23117156	hydrocodone 5mg/APAP 500mg	90	2/8/96
23117156	hydrocodone 5mg/APAP 500mg	90	2/22/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

(27) John H. Lafferty did, on July 25, 1996, sell a controlled substance in an amount greater than the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold 90 unit doses of hydrocodone 5mg/APAP 500mg pursuant to prescription number 23126691 to Patient #11 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (28) John H. Lafferty did, on April 6, 1996, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than three times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold 60 unit doses of hydrocodone 5mg/-APAP 500mg pursuant to prescription number 23119830 to Patient #12 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) (as was in effect during said time period) of the Ohio Revised Code.
- (29) John H. Lafferty did, on or about June 4, 1996, and again on June 28, 1996, sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion John H. Lafferty sold 125 unit doses of Roxiprin pursuant to prescriptions numbered 23123807 and 23125266 to Patient #12 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.
- (30) John H. Lafferty did, on September 21, 1996, and again on November 16, 1996, sell a controlled substance in an amount greater than the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion John H. Lafferty sold 60 unit doses of hydrocodone 5mg/APAP 500mg pursuant to prescriptions numbered 23127790 and 23131570 to Patient #12 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (31) John H. Lafferty did, from August 16, 1996, through December 17, 1996, sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold the following controlled substances to Patient #12 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23127789	Roxiprin	125	08/16/96
23130204	Roxiprin	125	10/03/96
23132829	Roxiprin	125	11/22/96
23133921	oxycodone 4.88mg/ASA 325mg	125	12/17/96

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (32) John H. Lafferty did, on or about January 27, 1996, and again on April 19, 1996, sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold the following controlled substances to Patient #13 without a legitimate medical purpose.

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23112927	hydrocodone 5mg/APAP 500mg	60	1/27/96
23121075	hydrocodone 7.5mg/APAP 650mg	60	4/19/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (33) John H. Lafferty did, on January 27, 1996, and again on April 19, 1996, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than three times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion John H. Lafferty sold 60 unit doses of acetaminophen/codeine 30mg pursuant to prescriptions numbered 23112924 and 23121076 to Patient #13" without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) (as was in effect during said time period) of the Ohio Revised Code.
- (34) John H. Lafferty did, on April 19, 1996, sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: John H. Lafferty sold 120 unit doses of hydrocodone 5mg/APAP 500mg pursuant to prescription number 23119399 to Patient #14" without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.
- (35) John H. Lafferty did, on or about October 25, 1999, plead guilty to two counts of Attempted Illegal Processing of Drug Documents in violation of Section 2923.02 of the Ohio Revised Code as it relates to Section 2925.23 of the Ohio Revised Code, misdemeanors of the first degree. State of Ohio vs. John Lafferty, Case No. CR 359485, Cuyahoga County Common Pleas Court.

WHEREAS, John H. Lafferty denies some or all of the allegations or charges. Notwithstanding John H. Lafferty's denial of the allegations, the Board hereby adjudicates the same.

WHEREAS, John H. Lafferty admits and acknowledges that he is not a "prevailing eligible party" for purposes of Sections 119.092 and 2335.39 of the Revised Code. Further, John H. Lafferty waives any rights he may have under Sections 119.092 and 2335.39 of the Revised Code.

WHEREAS, John H. Lafferty, with intention of binding himself and his successors in interest and assigns, hereby releases, and holds harmless from liability and forever discharges the State of Ohio, the Board, the Ohio Attorney General, and any and all of their present and former members, officers, attorneys, agents and employees, personally and in their official capacities, from any and all claims, demands, causes of actions, judgments, or executions that he ever had, or now has or may have, known or unknown, or that anyone claiming through or under him may have or claims to have, created by or arising out of the allegations or charges filed by the Board against John H. Lafferty set forth in the Notices of Opportunity for Hearing.

WHEREAS, John H. Lafferty 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.

THEREFORE, the parties, in consideration of the mutual covenants and promises contained herein, and in lieu of any further formal proceedings at this time, and intending to be bound by said covenants, agree as follows:

- (A) A one-year suspension of John H. Lafferty's pharmacist identification card, No. 03-3-09658, to begin on the effective date of this agreement.
 - (1) John H. Lafferty may be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension, however his duties must be outside the confines of the barricaded pharmacy area. This term includes allowing John H. Lafferty to work as a pharmaceutical drug representative.
 - (2) Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is revoked, suspended, or refused, shall return the identification card and license [wall certificate] 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.
- (B) John H. Lafferty must take and successfully complete the Jurisprudence examination offered by the Board prior to reinstatement and, if John H. Lafferty has not successfully completed the Jurisprudence examination prior to one year from the effective date of this agreement, his license will remain suspended until this condition has been achieved.
- (C) John H. Lafferty's license, upon the completion of the terms of suspension and after having passed the Jurisprudence examination, will be issued automatically upon renewal which will require submission of continuing pharmacy education as set forth in Chapter 4729-7 of the Ohio Administrative Code.
- (D) Upon reinstatement, John H. Lafferty's pharmacist identification card, No. 03-3-09658, will be placed on probation for two years. The terms of probation are as follows:
 - (1) The State Board of Pharmacy hereby declares that John H. Lafferty'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) John H. Lafferty may not serve as a responsible pharmacist.
 - (3) John H. Lafferty must not violate the drug laws of the state of Ohio, any other state, or the federal government.

- (4) John H. Lafferty must abide by the rules of the State Board of Pharmacy.
- (5) John H. Lafferty must comply with the terms of this agreement.
- (E) If, in the judgment of the Board, John H. Lafferty appears to have violated or breached any terms or conditions of this agreement, the 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.

THIS AGREEMENT EMBODIES THE ENTIRE AGREEMENT BETWEEN AND OF THE PARTIES. THERE ARE NO EXPRESSED OR IMPLIED PROMISES, GUARANTEES, TERMS, COVENANTS, CONDITIONS, OR OBLIGATIONS OTHER THAN THOSE CONTAINED HEREIN; AND THIS AGREEMENT SUPERSEDES ALL PREVIOUS COMMUNICATIONS, REPRESENTATIONS, OR AGREEMENTS, EITHER VERBAL OR WRITTEN, BETWEEN THE PARTIES.

THE PARTIES HERETO ACKNOWLEDGE THAT THIS 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 H. Lafferty refused to sign the Settlement Agreement, but because he signed the following Memorandum of Agreement, the above **Settlement Agreement became effective April 3, 2000.**

MEMORANDUM OF AGREEMENT

The following terms of settlement have been reached by the parties, the Ohio State Board of Pharmacy and Respondents Ogden, Maynard, and Lafferty:

Ogden:

- three year suspension, begin dated as of the date of the summary suspension;
- five years probation to commence after the term of suspension, terms include: cannot be responsible pharmacist and cannot be a preceptor;
- must take and pass the Ohio jurisprudence examination prior to reinstatement;
- may work in a facility licensed by the Board but job duties must be outside the confines of the barricaded pharmacy area; this term includes allowing Respondent to work as a pharmaceutical drug representative.

Maynard:

- one year suspension;
- two years probation to commence after the term of suspension, terms include: cannot be responsible pharmacist and cannot be a preceptor;
- must take and pass the Ohio jurisprudence examination prior to reinstatement;
- may work in a facility licensed by the Board but job duties must be outside the confines of the barricaded pharmacy area; this term includes allowing Respondent to work as a pharmaceutical drug representative.

Lafferty:

- one year suspension;
- two years probation to commence after the term of suspension, terms include: cannot be responsible pharmacist and cannot be a preceptor;
- must take and pass the Ohio jurisprudence examination prior to reinstatement;
- may work in a facility licensed by the Board but job duties must be outside the confines of the barricaded pharmacy area; this term includes allowing Respondent to work as a pharmaceutical drug representative.

For all respondents, upon the completion of the terms of suspension, and having passed the jurisprudence examination, the licenses will be issued automatically upon renewal, which may require submission of continuing pharmacy education data.

[Dated February 21, 2000: As agreed]