



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

www.pharmacy.ohio.gov

CONSENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-931207-030)

In the Matter of:

JOEL ALLEN BARINGER, R.Ph.

484 Oakwood Avenue

Portsmouth, Ohio 45663

(R.Ph. No. 03-3-13355)

This Consent Agreement is entered into by and between Joel Allen Baringer 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.

Joel Allen Baringer 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.

Joel Allen Baringer is knowingly and voluntarily acknowledging that, in order to reconcile the possibility of disciplinary charges being filed by the Board against Mr. Baringer and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Joel Allen Baringer'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:

1. 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.
2. Joel Allen Baringer was originally licensed to practice pharmacy in the state of Ohio on August 8, 1979, and is currently practicing pharmacy.
3. On or about October 30, 1992, Joel Allen Baringer attempted to, or caused to be made a false or misleading statement to the Ohio Department of Human Services, Medicaid Program in order that Revco Pharmacy, 424 Chillicothe Street, Portsmouth, Ohio, would receive reimbursement for which it was not entitled.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Joel Allen Baringer knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

1. Joel Allen Baringer has knowingly and voluntarily entered a plea of guilty to one count of Attempted Medicaid Fraud in the Franklin County Municipal Court. Mr. Baringer must forward a certified copy of such action to the Board within ten days of such plea.
2. The Ohio State Board of Pharmacy and Joel Allen Baringer stipulate that Mr. Baringer must take and successfully complete the Federal Drug Law Examination and Jurisprudence Examination offered by the Board prior to March 1, 1995. If these examinations have not been successfully completed prior to March 1, 1995, Joel Allen Baringer's identification card will be suspended until he has successfully completed these examinations.
3. The Ohio State Board of Pharmacy and Joel Allen Baringer stipulate that Mr. Baringer's license to practice pharmacy in the state of Ohio will be placed on probation for two years from the effective date of this agreement. The terms of probation are as follows:
 - (a) Joel Allen Baringer must not violate the drug laws of the state of Ohio, any other state, or the federal government;
 - (b) Joel Allen Baringer must abide by the rules of the State Board of Pharmacy; and
 - (c) Joel Allen Baringer must comply with the terms of this Agreement;
 - (d) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Joel Allen Baringer's pharmacist identification card is not in good standing and hereby denies him the privilege of being a preceptor of pharmacy interns for a period of two years from the effective date of this agreement.
 - (e) The Board further denies Joel Allen Baringer the right to serve as a responsible pharmacist during this probation period.

If, in the judgment of the Board, Joel Allen Baringer 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.

Joel Allen Baringer 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.

Joel Allen Baringer 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.

In the event the Board, in its discretion, does not approve this Agreement, 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. Joel Allen Baringer 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 Consent 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 last date of signature below.

 /s/ Joel Allen Baringer
Signature of Pharmacist

 /d/ 3-15-94
Date of Signature

 /s/ J.R. Sabino
Signature of Ohio Board of Pharmacy President

 /d/ 4-11-94
Date of Signature

 /s/ Gregg Thornton
Signature of Ohio Assistant Attorney General

 /d/ 4-11-94
Date of Signature

 /s/ J.B. Marshall Jr
Signature of Pharmacist's Attorney

 /d/ 3/15/94
Date of Signature