

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
(Docket No. D-030910-009)

In The Matter Of:

DAVID MARK OINOS, R.Ph.
7189 Crestway Road
Clayton, Ohio 45315
R.Ph. No. 03-3-14305

This Settlement Agreement is entered into by and between David Mark Oinos 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 Mark Oinos 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 Mark Oinos 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 Mark Oinos is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about September 10, 2003, pursuant to Chapter 119. of the Ohio Revised Code, David Mark Oinos 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 Mark Oinos requested a hearing; it was scheduled and continued. The September 10, 2003 Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the Board of Pharmacy indicate that David Mark Oinos was originally licensed in the State of Ohio on July 31, 1981, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio. Records further reflect during the relevant time periods stated herein, David Mark Oinos was the Responsible Pharmacist at Ray's Pharmacy Inc.
- (2) David Mark Oinos did, on or about March 20, 2003, misbrand a drug, to wit: when David Mark Oinos received Rx #969175 for Seroquel 300 mg, he dispensed Serzone 200 mg, which had not been prescribed by the physician. The patient was subsequently hospitalized. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

David Mark Oinos neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated September 10, 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 Mark Oinos knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) David Mark Oinos agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) 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, 17th Floor, Columbus, Ohio 43266-0320.
- (B) In addition to any and all other continuing education requirements, David Mark Oinos agrees to attend, within one year of the effective date of this agreement, two hours (0.2 CEUs) additional hours of Board-approved continuing pharmacy education for pediatric dosing and patient consultation in a retail pharmacy.

If, in the judgment of the Board, David Mark Oinos 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 Mark Oinos 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 Mark Oinos 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 Mark Oinos 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 FEBRUARY 2, 2004