



# 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](mailto:exec@bop.state.oh.us)

FAX: 614/752-4836

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## SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-060112-056)

In The Matter Of:

**ROBERT W. CARTER, R.Ph.**

1863 Rich Court

Beavercreek, Ohio 45432

(R.Ph. No. 03-3-14529)

This Settlement Agreement is entered into by and between Robert W. Carter 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.

Robert W. Carter 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. Robert W. Carter 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, Robert W. Carter is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about January 12, 2006, pursuant to Chapter 119. of the Ohio Revised Code, Robert W. Carter 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. Robert W. Carter requested a hearing; it was scheduled. The January 12, 2006, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Robert W. Carter was originally licensed by the State of Ohio as a pharmacist on March 5, 1982, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (2) Robert W. Carter did, on or about September 23, 2005, prior to dispensing a prescription to an in-patient, fail to review the patient profile in order to conduct prospective drug utilization review, to wit: Robert W. Carter failed to review the patient profile for over-utilization, incorrect drug dosage and duration of drug treatment, and misuse. Specifically, Robert W. Carter incorrectly entered an order for glyburide into the medication profile, and he did not check the profile so as to

prevent his mistake. The patient received the drug, which had been intended for another patient, and was harmed. Such conduct is in violation of Rule 4729-5-20 of the Ohio Administrative Code.

Robert W. Carter neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 12, 2006; 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, Robert W. Carter knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

Robert W. Carter agrees to the imposition of a monetary penalty of two hundred-fifty dollars (\$250.00), due and owing within thirty (30) days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126.

Robert W. Carter 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.

Robert W. Carter 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. Robert W. Carter 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.

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Robert W. Carter, R.Ph., Respondent

04/28/2006  
Date of Signature

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Catherine M. Ballard, Attorney for Respondent

05/04/2006  
Date of Signature

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Suzanne R. Eastman, President, Ohio State Board of Pharmacy

05/10/2006  
Date of Signature

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Sally Ann Steuk, Ohio Assistant Attorney General

05/10/2006  
Date of Signature