



# OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, Ohio 43215-6126

-Equal Opportunity Employer and Service Provider-

PHONE: 614/466-4143

FAX: 614/752-4836

E-MAIL: [exec@bop.state.oh.us](mailto:exec@bop.state.oh.us)

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

URL: <http://www.state.oh.us/pharmacy/>

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY  
VOLUNTARY SURRENDER WITH DISCIPLINARY ACTION PENDING  
(Docket No. D-060921-007)

In The Matter Of:

**JOANN MARIE PACK, R.Ph.**

33491 Lyons Gate Run

Avon, Ohio 44011

(R.Ph. No. 03-3-15854)

This Settlement Agreement is entered into by and between JoAnn Marie Pack 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.

JoAnn Marie Pack enters into this Agreement being fully informed of her 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.

JoAnn Marie Pack is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against her and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against JoAnn Marie Pack'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:

- (A) 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.
- (B) JoAnn Marie Pack neither admits nor denies the allegations stated in the Summary Suspension Order/Notice of Opportunity for Hearing letter dated September 21, 2006; however, the Board has duly filed the allegations in its Summary Suspension Order/Notice of Opportunity for Hearing letter as stated therein and will withhold conducting an adjudication hearing pursuant to the terms of this agreement.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, JoAnn Marie Pack knowingly and voluntarily **SURRENDERS PERMANENTLY TO THE STATE BOARD OF PHARMACY HER LICENSE AND REGISTRATION TO PRACTICE PHARMACY, WITH DISCIPLINARY ACTION PENDING, AND IS PRECLUDED FROM MAKING ANY APPLICATION FOR FURTHER REGISTRATION.**

**JOANN MARIE PACK, R.Ph.**

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Settlement Agreement

Pursuant to Rule 4729-9-01, JoAnn Marie Pack may not be employed by or work in any facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs.

JoAnn Marie Pack acknowledges that she 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.

JoAnn Marie Pack waives any and all claims or causes of action she 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. JoAnn Marie Pack waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

JoAnn Marie Pack must return the identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Agreement unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

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.

\_\_\_\_\_  
JoAnn Marie Pack, R.Ph., Respondent

07/31/2007  
Date of Signature

\_\_\_\_\_  
Mark A. Zicarelli, Attorney for Respondent

07/31/2007  
Date of Signature

\_\_\_\_\_  
Gregory Braylock, President, Ohio State Board of Pharmacy

08/06/2007  
Date of Signature

\_\_\_\_\_  
Sally Ann Steuk, Ohio Assistant Attorney General

08/06/2007  
Date of Signature



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## SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

September 21, 2006

JoAnn Marie Pack, R.Ph.  
33491 Lyons Gate Run  
Avon, Ohio 44011

Re: Ohio Registered Pharmacist  
Number 03-3-15854

Dear Ms. Pack:

Records of the Board indicate that you are a pharmacist registered by this Board to practice pharmacy in the State of Ohio.

WHEREFORE, YOU ARE  
HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE  
STATE OF OHIO ARE HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE  
OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE  
EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO POSSESS  
OR DISTRIBUTE DANGEROUS DRUGS. This suspension shall remain in effect until an  
adjudicatory hearing is held by the Board under Chapter 119. of the Revised Code, during  
which time you may not engage in the practice of pharmacy.

Additionally, you are hereby notified that you have the right to a hearing on the following allegations:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on March 1, 1985, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states in pertinent part:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;

JoAnn Marie Pack, R.Ph.

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Summary Suspension

(8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;

(9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;

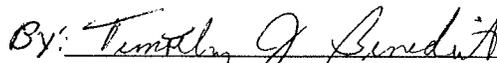
(10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

IF YOU DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. YOUR REQUEST MUST BE IN WRITING, AND MUST BE RECEIVED IN THE OFFICE OF THE OHIO STATE BOARD OF PHARMACY ON OR PRIOR TO THE THIRTIETH (30<sup>TH</sup>) DAY FOLLOWING THE MAILING DATE OF THIS NOTICE. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the thirtieth (30<sup>th</sup>) day following the mailing of this notice, the Ohio State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration 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.

BY ORDER OF THE STATE BOARD OF PHARMACY

By: 

William T. Winsley, M.S., R.Ph.

Executive Director

WTW:lf (D-060921-007)

CERTIFIED MAIL/Return Receipt  
7004 2510 0006 9804 5322

cc: Sally Ann Steuk, Assistant Attorney General