



# 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

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

URL: <http://www.pharmacy.ohio.gov>

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## SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-100212-061)

In The Matter Of:

**Leo N. Igwebuike, R.Ph.**  
8862 Golden Leaf Court  
Pickerington, Ohio 43147  
(R.Ph. No. 03-3-18630)

This Settlement Agreement is entered into by and between Leo N. Igwebuike 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.

Leo N. Igwebuike 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. Leo N. Igwebuike 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, Leo N. Igwebuike is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about February 12, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Leo N. Igwebuike 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. Leo N. Igwebuike requested a hearing; it was scheduled and continued. The February 12, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Leo N. Igwebuike was originally licensed in the State of Ohio on February 15, 1991, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Leo N. Igwebuike did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that Leo N. Igwebuike was short on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

Leo N. Igwebuike neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated February 12, 2010; 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, Leo N. Igwebuike knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Leo N. Igwebuike 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 form to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.
- (B) Leo N. Igwebuike will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Leo N. Igwebuike's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

Leo N. Igwebuike 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.

Leo N. Igwebuike 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. Leo N. Igwebuike 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.

\_\_\_\_\_  
Leo N. Igwebuike, R.Ph, Respondent

03/16/2010  
Date of Signature

\_\_\_\_\_  
Name, Attorney for Respondent

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Elizabeth I. Gregg, President, Ohio State Board of Pharmacy

04/05/2010  
Date of Signature

\_\_\_\_\_  
Tracy M. Greuel, Ohio Assistant Attorney General

04/05/2010  
Date of Signature



# OHIO STATE BOARD OF PHARMACY

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## NOTICE OF OPPORTUNITY FOR HEARING

February 12, 2010

**Leo N. Igwebuike, R.Ph.**  
8862 Golden Leaf Court  
Pickerington, Ohio 43147

Re: Ohio Registered Pharmacist  
License No. 03-3-18630

Dear Mr. Igwebuike:

YOU ARE HEREBY NOTIFIED that, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, the Ohio State Board of Pharmacy will determine whether or not to take action against your license. Prior to any such action, you are entitled to a hearing before the State Board of Pharmacy on the basis of the following allegations:

- (1) Records of the State Board of Pharmacy indicate that you were originally licensed in the State of Ohio on February 15, 1991, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You did, on or about or prior to May 15, 2009, fail to obtain and/or fail to submit to the Board evidence of approved continuing education, to wit: when audited, it was determined that you were short two hours of continuing education (0.2 CEUs) on board approved Jurisprudence. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct and/or willfully violating a rule of the Board within the meaning of Section 4729.16 of the Ohio Revised Code.

For these reasons, the State Board of Pharmacy will determine whether to take action pursuant to Section 4729.16 of the Ohio Revised Code.

YOU ARE HEREBY ADVISED that Section 4729.16 of the Ohio Revised Code states in pertinent part that:

(A) The state board of pharmacy, after notice and hearing in accordance with Chapter 119. of the Revised Code, may revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not 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 the pharmacist or pharmacy intern 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 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;

(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;

(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.

...  
(E) If, pursuant to an adjudication under Chapter 119. of the Revised Code, the board has reasonable cause to believe that a pharmacist or pharmacy intern is physically or mentally impaired, the board may require the pharmacist or pharmacy intern to submit to a physical or mental examination, or both.

YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the Ohio State Board of Pharmacy, if you request such a hearing within thirty (30) days of the time of the mailing of this notice.

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

**Leo N. Igwebuike, R.Ph.**

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Settlement Agreement

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.

IF YOU DO NOT DESIRE TO HAVE A HEARING ON THIS MATTER AND CHOOSE TO SETTLE THE MATTER WITHOUT A HEARING, you may execute the enclosed settlement document and return it to the Board, along with the monetary penalty, on or prior to the thirtieth (30<sup>th</sup>) day following the mailing of this notice. If you choose this option, the matter will be concluded pursuant to the terms set forth in the settlement document. If you do not choose this option, the settlement offer is withdrawn and held for naught, and it will not be held against you if you choose to exercise your right to a hearing.

BY ORDER OF THE STATE BOARD OF PHARMACY

**FEBRUARY 12, 2010**

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



# OHIO STATE BOARD OF PHARMACY

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## SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-030117-057)

In The Matter Of:

**LEO N. IGWEBUIKE, R.Ph.**

12007 Mallard Pond Drive, N.W.

Pickerington, Ohio 43147

(R.Ph. No. 03-3-18630)

This Settlement Agreement is entered into by and between Leo N. Igwebuiké 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.

Leo N. Igwebuiké 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. Leo N. Igwebuiké 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, Leo N. Igwebuiké is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about January 17, 2003, pursuant to Chapter 119. of the Ohio Revised Code, Leo N. Igwebuiké 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. Leo N. Igwebuiké requested a hearing; it was scheduled and continued. The January 17, 2003, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the Board of Pharmacy indicate that Leo N. Igwebuiké was originally licensed in the State of Ohio on February 15, 1991, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Leo N. Igwebuiké did, from September 16, 2002, to October 22, 2002, while not a pharmacist as defined in Rule 4729-5-01(G) of the Ohio Administrative Code, or a pharmacy intern, sell dangerous drugs or otherwise engage in the practice of pharmacy, to wit: after Leo N. Igwebuiké's license to practice pharmacy had lapsed, and prior to its renewal, Leo N. Igwebuiké dispensed dangerous drugs, including the following:

<u>Rx #</u>	<u>Date</u>	<u>Qty</u>	<u>Drug</u>
1080351	09/17/02	30	Celexa 40 mg
1083406	09/26/02	30	nifedipine ER 30 mg
1084413	09/30/02	30	atenolol 50 mg
1086030	10/04/02	1	Gynazole Cream
1087712	10/10/02	5 ml	haloperidol 100 mg /ml inj.
1089665	10/17/02	30	clonidine 0.2 mg
1090877	10/22/02	16	Vicodin (labeled Vicogen)

Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.

- (3) Leo N. Igwebuike did, on or about October 24, 2002, fail to have his pharmacist wall certificate conspicuously displayed at the principal place where he practices, to wit: during an inspection of Clinic Pharmacy, Leo N. Igwebuike admitted to the Board agent that his wall certificate was at home. Such conduct is in violation of Section 4729.12 of the Ohio Revised Code.
- (4) Leo N. Igwebuike did, on or about October 24, 2002, make a false statement with purpose to mislead a public official in performing his official function, to wit: Leo N. Igwebuike told a Board agent that his pharmacist license was not current because he never received a renewal application. Leo N. Igwebuike claimed that he had mailed a change of address form to the Board of Pharmacy in November 2001, although there is no record of receipt of the document. Such conduct is in violation of Section 2921.13 of the Ohio Revised Code

Leo N. Igwebuike neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 17, 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, Leo N. Igwebuike knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (1) Leo N. Igwebuike agrees to the imposition of a monetary penalty of Seven Hundred Fifty Dollars (\$750.00) due and owing within 30 days of the effective date of this Agreement. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43215-6126.

If, in the judgment of the Board, Leo N. Igwebuike 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.

Leo N. Igwebuike 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

**Leo N. Igwebuike, R.Ph.**

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Settlement Agreement

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.

Leo N. Igwebuike 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. Leo N. Igwebuike waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

In the event the Board, in its discretion, does not adopt this Agreement as its Adjudication, 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. Leo N. Igwebuike 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 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.

\_\_\_\_\_  
Leo N. Igwebuike, Respondent

03/15/2003  
Date of Signature

\_\_\_\_\_  
Craig A. Smith, Attorney for Respondent

03/18/2003  
Date of Signature

\_\_\_\_\_  
Diane C. Adelman, President, Ohio State Board of Pharmacy

04/07/2003  
Date of Signature

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

04/07/2003  
Date of Signature