



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

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

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Case No. 2013-1705)

In The Matter Of:

JENNIFER LYNN SMITH, R.Ph.
1486 Slate Ridge
Canal Winchester, Ohio 43110
(R.Ph. No. 03-3-19845)

This Settlement Agreement is entered into by and between Jennifer Lynn Smith 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.

Jennifer Lynn Smith voluntarily 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, the right to a formal adjudication hearing on the issues contained herein, and the right to appeal. Jennifer Lynn Smith acknowledges that by entering into this Agreement she has waived her rights under Chapter 119. of the Ohio Revised Code.

Whereas, the Board is empowered by Section 4729.16 of the Ohio Revised Code to suspend, revoke, limit, 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, Jennifer Lynn Smith is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about March 12, 2014, pursuant to Chapter 119. of the Ohio Revised Code, Jennifer Lynn Smith was notified of the allegations or charges against her, her right to a hearing, her rights in such hearing, and her right to submit contentions in writing. Jennifer Lynn Smith requested a hearing; it was scheduled and continued. The March 12, 2014 Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Jennifer Lynn Smith was originally licensed in the State of Ohio on October 27, 1993, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Jennifer Lynn Smith did, on or about October 1, 2013, misbrand a drug, to wit: when Jennifer Lynn Smith received a prescription for Humulin R500 units/ml V, use 25 units per insulin pump daily, RX #6650371, she

dispensed Humulin R100 25 units/ml V, use 25 units per insulin pump once daily, which had not been specifically prescribed by the physician. The patient used the

Jennifer Lynn Smith
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medication and was subsequently harmed. Such conduct constitutes an error in dispensing in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

Jennifer Lynn Smith neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated March 12, 2014; 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, Jennifer Lynn Smith knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

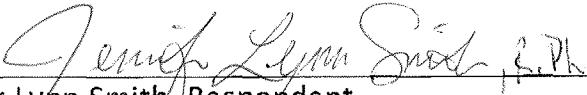
(A) Jennifer Lynn Smith agrees to the imposition of a monetary penalty of two hundred and fifty dollars (\$250.00) due and owing within 30 days from the effective date of this Agreement. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed forms to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126.

(B) In addition, Jennifer Lynn Smith must obtain, within 90 days from the effective date of this Agreement, three (0.3 CEUs) hours of approved continuing pharmacy education in medication errors and/or patient safety, which may not also be used for license renewal.

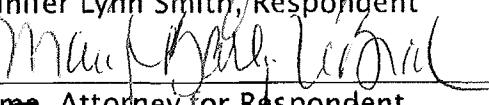
Jennifer Lynn Smith acknowledges that she has had an opportunity to ask questions concerning the terms of this Agreement and that all questions asked have been answered in a satisfactory manner. Any action initiated by the Board based on alleged violation of this Agreement shall comply with the Administrative Procedure Act, Chapter 119. of the Ohio Revised Code.

Jennifer Lynn Smith 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. Jennifer Lynn Smith waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

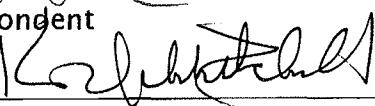
This Settlement Agreement shall be considered a public record, as that term is used in Section 149.43 of the Ohio Revised Code, and shall become effective upon the date of the Board President's signature below.



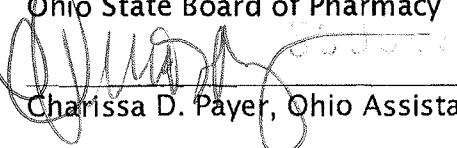
Jennifer Lynn Smith, Respondent



Name, Attorney for Respondent



Kevin J. Mitchell, R.Ph., President
Ohio State Board of Pharmacy

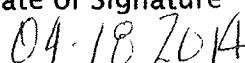


Charissa D. Payer, Ohio Assistant Attorney General



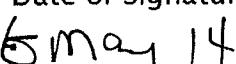
4/28/14

Date of Signature



04-18-2014

Date of Signature



5 May 14

Date of Signature



5/6/2014

Date of Signature

MONETARY PENALTY TRANSMITTAL FORM

IN THE MATTER OF:

JENNIFER LYNN SMITH, R.Ph.
(R.Ph. No. 03-3-19845)

THE ENCLOSED AGREEMENT OF THE OHIO STATE BOARD OF PHARMACY IMPOSES A MONETARY PENALTY PURSUANT TO SECTION 4729.16 OF THE REVISED CODE. SAID MONETARY PENALTY OF \$25.00.00 DUE PRIOR TO THIRTY DAYS FROM THE EFFECTIVE DATE OF THIS AGREEMENT.

TO ENSURE THE PROPER CREDIT, RETURN THIS FORM WITH YOUR PAYMENT TO THE OHIO STATE BOARD OF PHARMACY; 77 SOUTH HIGH STREET, 17TH FLOOR; COLUMBUS, OHIO 43215-6126. PAYMENT IS TO BE MADE PAYABLE TO THE "TREASURER, STATE OF OHIO".

PAYMENT NOT RECEIVED DURING THE DESIGNATED TIME MAY RESULT IN FURTHER ACTION BY THE BOARD THROUGH THE OFFICES OF THE STATE AUDITOR AND ATTORNEY GENERAL.

- FOR BOARD USE ONLY BELOW THIS LINE -

Case No. 2013-1705
Amount Assessed \$250.00
Amount Suspended -0-
Amount Due \$250.00

Penalty Type Settlement Agreement
Control No. 1407028
Date Received 04/30/2014
Amount Received \$250.00