



# OHIO STATE BOARD OF PHARMACY

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## SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-960117-034)

In the Matter of:

**ROBERT JAMES SLONE, R.Ph.**

111 Freedom Court

Sidney, Ohio 45365

(R.Ph. No. 03-3-20151)

This Settlement Agreement is entered into by and between Robert James Slone R.Ph. 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 James Slone 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 and the right to a formal adjudication hearing on the issues contained herein.

Robert James Slone is knowingly and voluntarily acknowledging that, in order to settle the charges that have been filed by the Board against him, and in order to obviate the need to conduct an administrative hearing to consider disciplinary sanctions against his license to practice pharmacy in the state of Ohio, Robert James Slone enters into this Agreement on the basis of the following stipulations, admissions, and understandings. Robert James Slone neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same:

- (1) 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.
- (2) Records of the Board of Pharmacy indicate that Robert James Slone 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.
- (3) Robert James Slone did, on or about February 17, 1994, March 12, 1994, March 17, 1994, and again on March 28, 1994, misbrand a drug, to wit: on February 17, 1994, upon receiving a prescription for Melphalan (Alkeran®) 2mg to be taken by the patient 5 tablets daily for 5 days each month with 6 refills, Robert James Slone dispensed the medication with directions for use as 5 tablets daily for 5 days refillable but he failed to indicate "each month" in the directions for use. Further, Robert James Slone dispensed three of the six refills within a 16-day time period: on March 12, 1994, March 17, 1994, and again on March 28, 1994. The patient followed the directions for use indicated on the bottle, obtained refills immediately upon consumption of the prescription, and thus consumed 5 tablets each day for one month. The patient suffered harm and had an emergency blood transfusion. Such conduct is in violation of Section 3715.52(B) of the Ohio Revised Code.
- (4) Robert James Slone did, on or about April 24, 1994, and again on or about May 7, 1994, knowing that he had no privilege to do so, falsify or alter computer data, to wit: after entering incorrect

data into patient records at The Pharm #918, which caused patient harm, and after several refills had been dispensed, Robert James Slone altered the original prescription data to falsely indicate that the error had not been made. Robert James Slone admitted to Board agents that he altered the original prescription by substituting the directions from a second prescription after the patient's family member inquired about the prescriptions. Robert James Slone admitted to altering the directions on the original prescription a second time to indicate the physician's correct directions when another pharmacist pointed out his original error. Such conduct is in violation of Section 2913.42(B) of the Ohio Revised Code.

- (5) Robert James Slone did, from February 17, 1994, to April 12, 1994, continuously fail to perform prospective drug utilization review and patient counseling, to wit: when dispensing medications to a patient pursuant to prescription numbers 6624893 and 6627340, Robert James Slone failed to review the original prescription and/or refill information for over-utilization, incorrect drug dosage and duration of drug treatment, and misuse; and, Robert James Slone failed to offer patient counseling. Such conduct is in violation of Rules 4729-5-20 and 4729-5-22 of the Ohio Administrative Code.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Robert James Slone knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

Robert James Slone agrees to the imposition of a monetary penalty of two thousand five hundred dollars (\$2,500.00) 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 43266-0320.

If, in the judgment of the Board, Robert James Slone appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to 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.

Robert James Slone 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 James Slone waives any and all claims or causes of action he may have against the State of Ohio or the Board, and its members, officers, employees, and/or agents of either, arising out of matters which are the subject of this Agreement.

In the event the Board, in its discretion, does not approve this Agreement, 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. Robert James Slone 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 Board President's signature below.

      /s/ Robert James Slone        
Robert James Slone, Respondent

      /d/ 7 /20 /96        
Date of Signature

      /s/ Robert Balyeat        
Robert Balyeat, Attorney for Respondent

      /d/ 8 /5 /96        
Date of Signature

      /s/ Suzanne L. Neuber        
Suzanne L. Neuber, President, Ohio State Board of Pharmacy

      /d/ 9 /16 /96        
Date of Signature

/s/ Mary L. Hollern  
Mary L. Hollern, Ohio Assistant Attorney General

/d/ 9 /16 /96  
Date of Signature