



OHIO STATE BOARD OF PHARMACY

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

Docket Number: D-050317-054

in the matter of:

ERIC SHAWN HIZER, R.PH.
6824 Cedar Cove Drive
Centerville, Ohio

R.Ph. Number 03-3-22141

This Settlement Agreement is entered into by and between Eric Shawn Hizer 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.

Eric Shawn Hizer 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. Eric Shawn Hizer 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, Eric Shawn Hizer is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about March 17, 2005, pursuant to Chapter 119. of the Ohio Revised Code, Eric Shawn Hizer 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. Eric Shawn Hizer requested a hearing; it was scheduled and continued. The March 17, 2005 Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Eric Shawn Hizer was originally licensed by the State of Ohio as a pharmacist on February 27, 1997, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (2) Eric Shawn Hizer did, on or about July, 2003, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Walgreens' Pharmacy #04976, beyond the express or implied consent of the owner, to wit:

Eric Shawn Hizer has admitted to a Board agent that he stole 93 tablets of methocarbamol 500 mg from his employer. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (3) Eric Shawn Hizer did, on or about July 17, 2004, use a controlled substance when the conduct was not in accordance with Chapters 3719. and 4729. of the Ohio Revised Code, to wit: though prescribed Xanax, Eric Shawn Hizer ingested 15 to 20 tablets at one time, along with 2 to 3 shots of both Everclear and Tangueray alcohol in an attempt at suicide. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (4) Eric Shawn Hizer did, on or about July 9, 2004, knowingly sell a controlled substance when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: though Eric Shawn Hizer had been prescribed Xanax, he gave 5 tablets to his then-wife, who wanted to try them to see the effects. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

Eric Shawn Hizer neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated March 17, 2005; 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, Eric Shawn Hizer knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

The State Board of Pharmacy hereby suspends for one year the pharmacist identification card, Number 03-3-22141, held by Eric Shawn Hizer effective as of the date of the mailing of this Agreement. Further, the Board suspends the suspension and places his identification card on probation for one year, with the following condition:

Eric Shawn Hizer must continue the recommended treatment plan as designed by D. Richard Bromberg, Ph.D. and Dr. Bromberg must provide progress reports and a final report, directly to the Board, at the end of probation or treatment, whichever comes first.

If, in the judgment of the Board, Eric Shawn Hizer 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.

Eric Shawn Hizer 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.

Eric Shawn Hizer 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. Eric Shawn Hizer 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.

/s/
Eric Shawn Hizer, R.Ph., Respondent

/d/ 10/04/05
Date of Signature

/s/
John P. Carney, Attorney for Respondent

/d/ 10/06/05
Date of Signature

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

/d/ 10/11/05
Date of Signature

/s/
Sally Ann Steuk, Ohio Assistant Attorney General

/d/ 10/11/05
Date of Signature