

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
(Docket No. D-020913-016)

In The Matter Of:

WEI L. JIN, R.Ph.
5675 Moorgate Drive
Columbus, Ohio 43235
(R.Ph. No. 03-3-24018)

This Settlement Agreement is entered into by and between Wei L. Jin 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.

Wei L. Jin 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.

Wei L. Jin 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 Wei L. Jin'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:

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.

Whereas, on or about September 13, 2002, pursuant to Chapter 119. of the Ohio Revised Code, Wei L. Jin 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. Further, a hearing was scheduled by the Board. The Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on May 3, 2000, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You did, on or about November 9, 2001, misbrand a drug, to wit: when you received a prescription for Prilosec 20 mg, prescription #6982096, you dispensed Prozac 20 mg, which had not been prescribed by the physician. The patient was subsequently harmed. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code, and if proven constitutes unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

- (3) You did, on or about November 9, 2001, fail to offer counseling to the patient, to wit: when dispensing medication to a patient pursuant to prescription #6982096, you failed to offer patient counseling. Such conduct is in violation of Rule 4729-5-22 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.
- (4) You did, on or about November 9, 2001, fail to perform prospective drug utilization review, to wit: when dispensing prescription #6982096, you failed to review the original prescription and/or refill information for over-utilization, incorrect drug dosage and duration of drug treatment, and misuse; and you failed to offer patient counseling. Such conduct is in violation of Rules 4729-5-20 and 4729-5-22 of the Ohio Administrative Code, and if proven constitutes being guilty of unprofessional conduct in the practice of pharmacy within the meaning of Section 4729.16 of the Ohio Revised Code.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Wei L. Jin knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (1) Wei L. Jin agrees to the imposition of a monetary penalty of Two Hundred and 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 forms to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320
- (2) In addition to any and all other Continuing Education requirements, Wei L. Jin agrees to attend 4.0 hours of continuing education, completed by September 30, 2003, from the following choices: Preventing Medication Errors, Pharmacia Corporation; Medication Errors In the Community Pharmacy, GlaxoSmithKline; Pharmacy Practice In A Changing Professional Environment, Drug Store News; Patient Counseling: Legal Considerations; Wyeth-Ayerst Laboratories; Counseling On New Drugs; University of Kansas School of Pharmacy; Using Communications Skills to Improve Healthcare, ESI Lederle-Wyeth-Ayerst Laboratories; and The Ever Expanding Responsibilities of Pharmacists: Due Care, Duty to Warn and the Duty to Refuse to Fill Prescriptions, Temple University School of Pharmacy.

Wei L. Jin 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.

Wei L. Jin 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. Wei L. Jin 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. Wei L. Jin agrees that should the Board reject this Agreement and if this case proceeds to hearing, she 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.

SIGNED AND EFFECTIVE FEBRUARY 4, 2003