



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-100423-095)

In The Matter Of:

JENNIFER NICOLE BYRD, R.Ph.

18651 St. Rt. 274

P.O. Box 534

Jackson Center, Ohio 45334

R.Ph. No. 03-3-25641

This Settlement Agreement is entered into by and between Jennifer Nicole Byrd 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 Nicole Byrd 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 Nicole Byrd acknowledges that by entering into this agreement she has waived her 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, Jennifer Nicole Byrd is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about April 23, 2010, pursuant to Chapter 119. of the Ohio Revised Code, Jennifer Nicole Byrd 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 Nicole Byrd accepted this offer for settlement rather than a hearing. The April 23, 2010, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Jennifer Nicole Byrd was originally licensed in the State of Ohio on July 16, 2003, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Jennifer Nicole Byrd 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 Jennifer Nicole Byrd did not complete 0.8 Continuing Education Units (C.E.U.s) of Board approved continuing education until after Jennifer Nicole Byrd signed her Continuing Pharmacy Education Reporting Form on May 5, 2009. Such conduct is in violation of Rule 4729-7-02 of the Ohio Administrative Code.

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Jennifer Nicole Byrd neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated April 23, 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, Jennifer Nicole Byrd knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Jennifer Nicole Byrd 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) Jennifer Nicole Byrd will submit additional documentation to show compliance with continuing education requirements within 45 days from the effective date of this Agreement, else Jennifer Nicole Byrd's license to practice pharmacy will not be renewed pursuant to the provisions of Section 4729.12 of the Ohio Revised Code.

If, in the judgment of the Board, Jennifer Nicole Byrd 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 the Agreement and 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.

Jennifer Nicole Byrd 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 Nicole Byrd 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 Nicole Byrd 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 Nicole Byrd, R.Ph., Respondent	<u>07/13/2010</u> Date of Signature
_____ Attorney for Respondent (if Applicable)	N/A Date of Signature
_____ Elizabeth I. Gregg, President, Ohio State Board of Pharmacy	<u>08/02/2010</u> Date of Signature
_____ Tracy M. Greuel, Ohio Assistant Attorney General	<u>08/02/2010</u> Date of Signature