

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
(Docket No. D-010917-013)

In The Matter Of:

MOLETHA J. COLEMAN
5675 Chatford Drive
Columbus, Ohio 43232
(Intern No. 06-0-02881)

This Settlement Agreement is entered into by and between Moletha J. Coleman 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.

Moletha J. Coleman 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.

Moletha J. Coleman 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 Moletha J. Coleman's pharmacy intern license in the State of Ohio, this Agreement is entered into on the basis of the following stipulations, admissions, and understandings:

- (A) 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.
- (B) Moletha J. Coleman neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated September 17, 2001; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same:
 - (1) Records of the Board of Pharmacy indicate that you were originally licensed as a pharmacy intern in the State of Ohio on August 10, 2000.
 - (2) You did, on or about May 8, 2001, dispense a drug pursuant to prescription without having the correct directions for use indicated on the label affixed to the container, to wit: when dispensing prescription number 267228, you did not indicate the directions for use of the drug as was prescribed by the physician. The patient, an 11-month old child, was administered eight (8) teaspoons of amoxicillin suspension 250mg/5ml twice daily, although prescribed to take eight (8) ml twice daily, the child experienced vomiting and diarrhea for three (3) days as a result. Such conduct is in violation of Rule 4729-5-16 of the Ohio Administrative 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 May 8, 2001, misbrand a drug, to wit: when you received prescription number 267228 for amoxicillin suspension 250mg/5ml, to be administered to the patient as eight (8) ml twice daily, you incorrectly labeled the prescription container with directions which were dangerous to the patient when consumed according to the label. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code (relating to Section 3715.64(A)(11) 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.

(4) You did, on or about May 8, 2001, fail to perform prospective drug utilization review, to wit: when dispensing medication to a patient pursuant to prescription number 267228, you failed to review the original prescription for over-utilization, incorrect drug dosage and duration of drug treatment, and misuse. When the patient's mother called the pharmacy about the error, without checking with the pharmacist, you assured her it was correct. Such conduct is in violation of Rule 4729-5-20 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, Moletha J. Coleman knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

(A) Pursuant to Sections 4729.16 and 4729.25(B), Moletha J. Coleman is hereby reprimanded for the aforementioned violations of rules and/or laws.

Moletha J. Coleman 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.

Moletha J. Coleman 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. Moletha J. Coleman 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.

SIGNED AND EFFECTIVE APRIL 8, 2002