



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

www.pharmacy.ohio.gov

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-001103-016)

In The Matter Of:

Dale T. Cochran, R.Ph.
5825 Kilbannon Court
Dublin, Ohio 43017
(R.Ph. No. 03-1-05156)

This Settlement Agreement is entered into by and between Dale T. Cochran ("Cochran") and the Ohio State Board of Pharmacy ("Board"), a state agency charged with enforcing the Pharmacy Practice Act and Dangerous Drug Distribution Act, Chapter 4729. of the Ohio Revised Code.

Cochran 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.

Cochran is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against him and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Cochran's license to practice pharmacy in the state of Ohio, this Agreement is entered into on the basis of the following stipulations and understandings:

- (A) 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 impose a monetary penalty on the license holder for violation of any of the enumerated grounds.
- (B) Records of the Board indicate that Cochran was originally licensed in the state of Ohio on August 4, 1952, pursuant to examination, and currently licensed to practice pharmacy in the state of Ohio. Records further indicate that Cochran is the Responsible Pharmacist at Sullivant Prescription Center pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (C) The Board alleges the violations against Cochran set forth in the Notice of Opportunity for Hearing letter dated November 3, 2000, which Cochran neither admits nor denies for purposes of this Settlement Agreement; and it is the violations alleged in the November 3, 2000 letter that are being settled and resolved pursuant to this Agreement, to wit:

1. Cochran permitted an employee, not a pharmacist or a pharmacy intern, to record prescriptions transmitted over an interoffice intercom from a physician's office located in the same building as the Sullivant Prescription Center in violation of Ohio Revised Code §4729.28 and the applicable provisions of the Ohio Administrative Code;
2. Cochran acknowledges that William D. Powers, President of the R.E.M. Corporation, the owner of the Sullivant Prescription Center, not a licensed pharmacist, retained/possessed a key to the pharmacy in violation of Ohio Revised Code §4729.27 and the applicable provisions of the Ohio Administrative Code; and
3. Cochran failed to provide such controls and procedures to deter and detect diversion and/or theft of dangerous drugs in violation of Rule 4729-9-05 of the Ohio Administrative Code.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Cochran knowingly and voluntarily agrees with the State Board of Pharmacy to the following resolution:

Dale T. Cochran agrees to the imposition of a monetary penalty of one thousand dollars (\$1,000.00) due and owing within thirty (30) 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 43215-6126.

Cochran 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.

Cochran 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. Cochran 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/ <i>Dale T. Cochran</i>	/d/ 3-1-2001
Dale T. Cochran, Respondent	Date of Signature
/s/ <i>Walter W. Reckless</i>	/d/ 3/1/2001
Walter W. Reckless, Attorney for Respondent	Date of Signature
/s/ <i>Suzanne L. Neuber</i>	/d/ 3/05/01
Suzanne L. Neuber, President, Ohio State Board of Pharmacy	Date of Signature
/s/ <i>Sally Ann Steuk</i>	/d/ 3-2-01
Sally Ann Steuk, Ohio Assistant Attorney General	Date of Signature

SIGNED AND EFFECTIVE MARCH 5, 2001