



# OHIO STATE BOARD OF PHARMACY

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-Equal Opportunity Employer and Service Provider-

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## SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-061207-017)

In The Matter Of:

**JOHN J. BROSSART, SR., R.Ph.**  
3954 Cincinnati-Brookville Road  
P. O. Box 248  
Ross, Ohio 45061  
(R.Ph. No. 03-1-07380)

This Settlement Agreement is entered into by and between John J. Brossart 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.

John J. Brossart 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. John J. Brossart 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, John J. Brossart is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about December 7, 2006, pursuant to Chapter 119. of the Ohio Revised Code, John J. Brossart 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. John J. Brossart requested a hearing; it was scheduled. The December 7, 2006, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that John J. Brossart was originally licensed by the State of Ohio as a pharmacist on February 15, 1961, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (2) John J. Brossart did, on or about June 23, 2006, dispense a drug pursuant to prescription without having the correct directions for use indicated on the label affixed to the container, to wit: when John J. Brossart dispensed Rx #6877878, he indicated the directions for use of the drug different than was prescribed by the physician. The drug prescribed was digoxin 0.25 mg, with directions for use as "#30 1 QD 1 Ref.,"

however, the label John J. Brossart affixed to the vial indicated the patient should "take one and one-half tablets twice daily." The patient was subsequently hospitalized for digoxin toxicity. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code and Rule 4729-5-16 of the Ohio Administrative Code.

- (3) John J. Brossart did, on or about June 23, 2006, prior to dispensing Rx #6877878, fail to review the patient profile in order to conduct prospective drug utilization review, to wit: John J. Brossart failed to review the patient profile for over-utilization, incorrect drug dosage and duration of drug treatment, and misuse. The drug prescribed was digoxin 0.25 mg, with directions for use as "#30 1 QD 1 Ref;" however, the label John J. Brossart affixed to the vial indicated the patient should "take one and one-half tablets twice daily." The patient was subsequently hospitalized for digoxin toxicity. Such conduct is in violation of Rule 4729-5-20 of the Ohio Administrative Code.

John J. Brossart neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated December 7, 2006; 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, John J. Brossart knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) John J. Brossart agrees to the imposition of a monetary penalty of seven hundred fifty dollars (\$750.00) 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) John J. Brossart must obtain, within six months from the effective date of this Agreement, six hours of continuing pharmacy education (0.6 CEUs) on preventing medication errors, which may not also be used for license renewal.

John J. Brossart 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.

John J. Brossart 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. John J. Brossart 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.

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John J. Brossart, R.Ph, Respondent

03/24/2007  
\_\_\_\_\_  
Date of Signature

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James E. Turner, President, Ohio State Board of Pharmacy

04/11/2007  
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Date of Signature

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Sally Ann Steuk, Ohio Assistant Attorney General

04/11/2007  
Date of Signature