

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY  
(Docket No. D-000405-054)

In The Matter Of:

**Randy D. Mosier, R.Ph.**  
7901 Franklin Blvd.  
Cleveland, Ohio 44102  
(R.Ph. No. 03-1-20467)

This Settlement Agreement is entered into by and between Randy D. Mosier 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.

Randy D. Mosier 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.

Randy D. Mosier 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 Randy D. Mosier'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:

- (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) Randy D. Mosier neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated April 5, 2000; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same:
  - (1) Randy D. Mosier was originally licensed to practice pharmacy in the state of Ohio on July 28, 1994, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio
  - (2) Randy D. Mosier is addicted to liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Randy D. Mosier has admitted stealing controlled substances from his employer, Walgreens #05473, and that he has a "psychological addiction" to Adderall; Randy D. Mosier has practiced pharmacy while being impaired; and, he has recently entered into a drug treatment program. Such conduct indicates that Randy D. Mosier falls within the ambit of Sections 3719.121(A), 3719.121(B), and 4729.16(A)(3) of the Ohio Revised Code.

- (3) Randy D. Mosier did, on or about March 30, 2000, knowingly obtain or possess a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy D. Mosier voluntarily surrendered 21 unit doses of Adderall to an agent of the Board which he possessed in his home without prescription. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (4) Randy D. Mosier did, on or about June 9, 1998, knowingly make a false statement in a report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: while working at Walgreen’s #3312, 22401 Lakeshore Blvd., Euclid, Ohio, Randy D. Mosier falsely recorded the DEA inventory record of controlled substances to cover for his theft of drugs:

<u>Drug/Strength</u>	<u>Quantity Recorded</u>	<u>Actual Inventory</u>
Ativan .5 mg	120	150
Darvocet-N 100 mg	280	313
Propoxyphene-N 100 mg	1,030	1,892
Diazepam 10 mg	0	453
Chlordiazepoxide 5 mg	120	180
Alprazolam 1 mg	700	835
Xanax 1 mg	115	140
Hycodan	75	80
Vicoprofen 7.5/200 mg	105	149
Hydrocodone 10/650 mg	205	260
Vicodin ES	0	205
Vicodin HP	90	190
Hydrocodone 7.5/500 mg	150	185

Such conduct is in violation of Section 2925.23(A) of the Ohio Revised Code.

- (C) Randy D. Mosier acknowledges that he is not under the influence of any alcohol or drug at the time of entering into this agreement.
- (D) Randy D. Mosier acknowledges that he has been, and is, represented by counsel, William Lucas, 55 Public Sq., Suite 1040, Cleveland, Ohio 44113.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Randy D. Mosier knowingly and voluntarily agrees with the State Board of Pharmacy to the REVOCATION of his license to practice pharmacy in the State of Ohio.:

Randy D. Mosier 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.

Randy D. Mosier 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. NAME (*sic Randy D. Mosier*) 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. Randy D. Mosier agrees that should the Board reject this Agreement and if this case proceeds to hearing, he 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 DECEMBER 11, 2000**

SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

April 5, 2000

**Randolph D. Mosier, R.Ph.**  
7901 Franklin Blvd.  
Cleveland, Ohio 44102

Re: Ohio Registered Pharmacist  
Number 03-1-20467

Dear Mr. Mosier:

In accordance with Section 3719.121(A) of the Ohio Revised Code, the Board has determined that you are addicted to the use of controlled substances. Further, in accordance with Section 3719.121(B) of the Ohio Revised Code, the Board has determined that there is clear and convincing evidence that the continuation of your professional practice presents a danger of immediate and serious harm to others. The reasons for the Board's action are that you have committed any and/or all of the following acts:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the state of Ohio on July 28, 1994, pursuant to examination, and are currently licensed to practice pharmacy in the state of Ohio. Records further indicate that during the relevant time periods stated herein, you were the Responsible Pharmacist at Walgreens #005473, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Section 4729-5-11 of the Ohio Administrative Code.
- (2) You are addicted to liquor or drugs or impaired physically or mentally to such a degree as to render you unfit to practice pharmacy, to wit: you have admitted stealing controlled substances from your employer, Walgreens #05473, and that you have a "psychological addiction" to Adderall; you have practiced pharmacy while being impaired; and, you have recently entered into a drug treatment program. Such conduct indicates that you fall within the ambit of Sections 3719.121(A), 3719.121(B), and 4729.16(A)(3) of the Ohio Revised Code.
- (3) You did, on or about March 30, 2000, knowingly obtain or possess a controlled substance when not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: you voluntarily surrendered 21 unit doses of Adderall to an agent of the Board which you possessed in your home without prescription. Such conduct is in violation of Section 2925.11 of the Ohio Revised Code.
- (4) You did, on or about June 9, 1998, knowingly make a false statement in a report or record required by Chapter 3719. or 4729. of the Revised Code, to wit: while working at Walgreen's #3312, 22401 Lakeshore Blvd., Euclid, Ohio, you falsely recorded the DEA inventory record of controlled substances to cover for your theft of drugs:

<u>Drug/Strength</u>	<u>Quantity Recorded</u>	<u>Actual Inventory</u>
Ativan .5 mg	120	150
Darvocet-N 100 mg	280	313
Propoxyphene-N 100 mg	1,030	1,892
Diazepam 10 mg	0	453
Chlordiazepoxide 5 mg	120	180
Alprazolam 1 mg	700	835
Xanax 1 mg	115	140
Hycodan	75	80
Vicoprofen 7.5/200 mg	105	149
Hydrocodone 10/650 mg	205	260
Vicodin ES	0	205
Vicodin HP	90	190
Hydrocodone 7.5/500 mg	150	185

Such conduct is in violation of Section 2925.23(A) of the Ohio Revised Code and, if proven, constitutes being guilty of a felony or gross immorality; guilty of dishonesty or unprofessional conduct in the practice of pharmacy and/or guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code within the meaning of section 4729.16 of the Ohio Revised Code.

*[paragraph added by Notice dated 07/31/00]*

- (5) You did, as the Responsible Pharmacist, from on or about June 9, 1998, through January 20, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Walgreen’s #3312, beyond the express or implied consent of the owner, to-wit: you or someone under your supervision and control stole the following drugs from your employer:

<u>Drug/Strength</u>	<u>Shortage</u>
Adderall 5 mg	16
Adderall 10 mg	426
Adderall 20 mg	430
Oxycontin 20 mg	197
Oxycontin 40 mg	87
Methylphenidate 5 mg	15
Methylphenidate 10 mg	253
Methylphenidate 20 mg	90
Ritalin 20 mg	122
Alprazolam 1 mg	672
Alprazolam 2 mg	151
Ambien [Zolpidem] 10 mg	3,256
Chlordiazepoxide 5 mg	150
Chlordiazepoxide 10 mg	368
Clonazepam 2 mg	478

<u>Drug/Strength</u>	<u>Shortage</u>
Lorazepam .5 mg	1,611
Lorazepam 1 mg	364
Lorazepam 2 mg	135
Vicoprofen 7.5/ 200 mg	297
Hydrocodone 7.5/500 mg	91
Lortab 7.5/500 mg	20
Hydrocodone 7.5/650 mg	133
Hydrocodone 7.5/750 mg	259
Vicodin ES 7.5/750 mg	110
Norco 10/325 mg	1,132
Hydrocodone 10/500 mg	5,397
Lortab 10/500 mg	972
Hydrocodone 10/650 mg	619
Lorcet 10/650 mg	142
Vicodin HP 10/650 mg	165

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code and, if proven, constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of section 4729.16 of the Ohio Revised Code.

*[paragraph added by Notice dated 07/31/00]*

- (6) You did, as the Responsible Pharmacist, from on or about June 9, 1998, through January 20, 2000, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Walgreen’s #5473, beyond the express or implied consent of the owner, to-wit: you or someone under your supervision or control stole the following drugs from your employer:

<u>Drug/Strength</u>	<u>Shortage</u>
Adderall 20 mg	60
Oxycontin 40 mg	130
Hydrocodone 10/500 mg	161
Norco	570
Ambien 10 mg	74
Sonata 10 mg	70

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code and, if proven, constitutes being guilty of a felony or gross immorality and/or guilty of dishonesty or unprofessional conduct in the practice of pharmacy within the meaning of section 4729.16 of the Ohio Revised Code.

*[paragraph added by Notice dated 07/31/00]*

YOU ARE HEREBY NOTIFIED that Section 3719.121(A) of the Ohio Revised Code states, in pertinent part: “any ... pharmacist, ... who is or becomes addicted to the use of controlled substances, shall be suspended by the board that authorized the person’s license, certificate, or registration...”

YOU ARE HEREBY NOTIFIED that Section 3719.121(B) of the Ohio Revised Code states, in pertinent part:

(B) If the board under which a person has been issued a license, . . . , . . . determines that there is clear and convincing evidence that continuation of the person's professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others, the board may suspend the person's license, . . . , . . . , without a prior hearing.

WHEREFORE, PURSUANT TO SECTIONS 3719.121(A) and (B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO IS HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO POSSESS OR DISTRIBUTE DANGEROUS DRUGS. This suspension shall remain in effect until an adjudicatory hearing has been held pursuant to Chapter 119. of the Revised Code, and a final Order has been issued, during which time you may not engage in the practice of pharmacy.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states, in pertinent part:

(A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;
- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;

(7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;

(8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;

(9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code.

IF YOU REQUEST A HEARING within 30 days of the time of the mailing of this notice, such will be afforded. Such request shall be mailed to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER ADVISED that if you do not request such a hearing within thirty (30) days of the mailing of this notice, the State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

(D-000405-054)

BY ORDER OF THE STATE BOARD OF PHARMACY

**SUMMARY SUSPENSION EFFECTIVE APRIL 5, 2000**

*This remains in effect until an Order is issued by the Board or a Settlement Agreement is signed.  
(Settlement Agreement Effective December 11, 2000)*