

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY
(Docket No. D-990726-009)

In The Matter Of:

IMOGENE CAROL MAYNARD, R.Ph.
17004 Melgrave Avenue
Cleveland, Ohio 44135
(R.Ph. No. 03-1-20639)

THIS SETTLEMENT AGREEMENT IS ENTERED INTO BY AND BETWEEN IMOGENE CAROL MAYNARD 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.

IMOGENE CAROL MAYNARD 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. IMOGENE CAROL MAYNARD ACKNOWLEDGES THAT BY ENTERING INTO THIS AGREEMENT SHE HAS WAIVED HER RIGHTS UNDER CHAPTER 119. OF THE REVISED CODE.

WHEREAS, the 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 therein.

WHEREAS, Imogene Carol Maynard is licensed as a registered pharmacist in the state of Ohio and, therefore, falls under the jurisdiction of the State Board of Pharmacy.

WHEREAS, on or about July 26, 1999, and again on November 23, 1999, pursuant to Chapter 119. of the Ohio Revised Code, Imogene Carol Maynard 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. The Notices of Opportunity for Hearing contain the following allegations or charges:

- (1) Records of the Board of Pharmacy indicate that Imogene Carol Maynard was originally licensed in the state of Ohio on July 28, 1994, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio. Further, during relevant time periods stated herein, Imogene Carol Maynard practiced pharmacy while being employed at Chesterfield Pharmacy in Cleveland, Ohio.
- (2) Imogene Carol Maynard did, prior to July 22, 1997, continuously fail to perform prospective drug utilization review and patient counseling, to wit: when dispensing medications to patients pursuant to prescriptions, Imogene Carol Maynard failed to review the original prescriptions and/or refill information for over-utilization, incorrect drug dosage and duration of drug treatment, and misuse; and Imogene Carol Maynard failed to offer patient counseling. Such conduct is in violation of Rules 4729-5-20 and 4729-5-22 of the Ohio Administrative Code.

- (3) Imogene Carol Maynard did, on or about June 13, 1996, dispense drugs pursuant to improper prescriptions and kept them in the pharmacy, to wit: Imogene Carol Maynard failed to either record the date of the dispensing and/or manually record her initials on original prescriptions numbered 23124405 and 23124380. Such conduct is in violation of Section 3719.07 of the Ohio Revised Code and Rule 4729-5-27(A) of the Ohio Administrative Code.
- (4) Imogene Carol Maynard did, from February 19, 1996, through June 13, 1996, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold the following controlled substances to Patient #1 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23117003	hydrocodone 5mg/APAP 500mg	60	2/19/96
23118328	hydrocodone 5mg/APAP 500mg	60	3/11/96
23118330	Hydromet Syrup	240ml	3/14/96
23121655	Hydromet Syrup	240ml	4/25/96
23123584	Hydromet Syrup	240ml	5/30/96
23123585	hydrocodone 5mg/APAP 500mg	60	5/30/96
23123585	hydrocodone 5mg/APAP 500mg	60	6/13/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (5) Imogene Carol Maynard did, from July 18, 1996, through August 21, 1996, sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold the following controlled substances to Patient #1 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23125375	hydrocodone 5mg/APAP 500mg	60	7/18/96
23127999	hydrocodone 5mg/APAP 500mg	60	8/21/96
23128001	Hydromet Syrup	240ml	8/21/96

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (6) Imogene Carol Maynard did, on August 21, 1996, sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold 120 unit doses of Roxicet pursuant to prescription number 23127998 to Patient #1 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (7) Imogene Carol Maynard did, from March 11, 1996, through May 30, 1996, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold the following controlled substances to Patient #2 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23118339	hydrocodone 5mg/APAP 500mg	84	3/11/96
23119248	Hydromet Syrup	240ml	3/14/96
23119258	hydrocodone 5mg/APAP 500m	125	3/14/96
23121647	Hydromet Syrup	240ml	4/25/96
23123589	Hydromet Syrup	240ml	5/30/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (8) Imogene Carol Maynard did, from March 14, 1996, through May 30, 1996, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold the following controlled substances to Patient #2 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23119259	Roxicet	125	3/14/96
23121675	Roxicet	125	4/25/96
23123590	Roxicet	90	5/30/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (9) Imogene Carol Maynard did, from July 22, 1996, through October 10, 1996, sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold the following controlled substances to Patient #2 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23125144	hydrocodone 5mg/APAP 500mg	84	7/22/96
23127713	hydrocodone 5mg/APAP 500mg	60	8/14/96
23128349	hydrocodone 5mg/APAP 500mg	84	10/10/96

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (10) Imogene Carol Maynard did, on August 14, 1996, and again on August 21, 1996, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion Imogene Carol Maynard sold 60 unit doses of Roxicet pursuant to prescriptions numbered 23127712 and 23128003 to Patient #2 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (11) Imogene Carol Maynard did, on June 5, 1997, sell a controlled substance in an amount equal to or exceeding the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold 120 unit doses of alprazolam 1mg pursuant to prescription number 305243 to Patient #3 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (12) Imogene Carol Maynard did, on April 16, 1997, and again on June 5, 1997, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion Imogene Carol Maynard sold 168 unit doses of diazepam 10mg pursuant to prescription number 301671 to Patient #3 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (13) Imogene Carol Maynard did, from November 27, 1996, through May 14, 1997, sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold the following controlled substances to Patient #4 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23133099	hydrocodone 5mg/APAP 500mg	60	11/27/96
23133704	hydrocodone bit homatropine	240	12/11/96
23133099	hydrocodone 5mg/APAP 500mg	60	12/26/96
300282	hydrocodone 5mg/APAP 500mg	60	2/20/97
303143	hydrocodone 5mg/APAP 500mg	60	4/16/97
304060	hydrocodone compound	240	4/16/97
303143	hydrocodone 5mg/APAP 500mg	60	5/14/97

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (14) Imogene Carol Maynard did, from October 30, 1996, through June 24, 1997, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold the following controlled substances to Patient #4 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23131678	phentermine 37.5mg	14	10/30/96
23133100	phentermine 37.5mg	14	11/27/96
23133703	phentermine 37.5mg	14	12/11/96
304055	phentermine 37.5mg	14	4/16/97
305478	phentermine 37.5mg	14	5/14/97
307299	phentermine 37.5mg	14	6/24/97

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

(15) Imogene Carol Maynard did, on June 6, 1996, and again on June 20, 1996, sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion Imogene Carol Maynard sold 100 unit doses of Klonopin 2mg pursuant to prescription number 23118704 to Patient #5 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) (as was in effect during said time period) of the Ohio Revised Code.

(16) Imogene Carol Maynard did, from August 22, 1996, through June 24, 1997, sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold the following controlled substances to Patient #6 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23127583	Hydromet Syrup	240	8/22/96
23127946	hydrocodone 5mg/APAP 500mg	125	9/5/96
23127946	hydrocodone 5mg/APAP 500mg	43	9/5/96
23131415	Hydromet Syrup	240	10/24/96
300736	hydrocodone 5mg/APAP 500mg	84	2/20/97
301605	Hydromet Syrup	240	3/18/97
302605	hydrocodone 5mg/APAP 500mg	90	3/19/97
305784	hydrocodone compound	240ml	6/5/97
305784	hydrocodone compound	240ml	6/19/97
307320	hydrocodone compound	240ml	6/24/97
307321	hydrocodone 5mg/APAP 500mg	90	6/24/97

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

(17) Imogene Carol Maynard did, on February 27, 1997, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold 240ml of Hycodan Syrup pursuant to prescription number 302075 to Patient #7 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (18) Imogene Carol Maynard did, on April 9, 1997, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold 100 unit doses of alprazolam 2mg pursuant to prescription number 303827 to Patient #8 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (19) Imogene Carol Maynard did, on March 19, 1997, and again on April 3, 1997, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion Imogene Carol Maynard sold 90 unit doses of diazepam 10mg pursuant to prescription number 302195 to Patient #8 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (20) Imogene Carol Maynard did, on March 19, 1997, and again on April 9, 1997, sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion Imogene Carol Maynard sold 30 unit doses of oxazepam 30mg pursuant to prescriptions numbered 302199 and 303825 to Patient #8 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (21) Imogene Carol Maynard did, on May 16, 1996, sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold 14 unit doses of Ionamin 30mg pursuant to prescription number 23122897 to Patient #9 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) (as was in effect during said time period) of the Ohio Revised Code.
- (22) Imogene Carol Maynard did, on January 31, 1996, sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold 42 unit doses of Pondimin 20mg pursuant to prescription number 23116677 to Patient #9 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) (as was in effect during said time period) of the Ohio Revised Code.
- (23) Imogene Carol Maynard did, on April 16, 1997, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold 125 unit doses of oxycodone 4.88mg/ASA 325mg pursuant to prescription number 304065 to Patient #10 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

(24) Imogene Carol Maynard did, from March 6, 1997, through June 12, 1997, sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold the following controlled substances to Patient #10 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
301921	Hydromet Syrup	240ml	3/6/97
301921	Hydromet Syrup	240ml	3/20/97
304064	hydrocodone compound syrup	240ml	4/16/97
306538	hydrocodone compound syrup	240ml	6/12/97

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

(25) Imogene Carol Maynard did, from March 7, 1996, through June 27, 1996, sell a controlled substance in an amount equal to or exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold the following controlled substances to Patient #11 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23118772	APAP 325mg/codeine 15mg	90	3/7/96
23118772	APAP 325mg/codeine 15mg	90	5/2/96
23123558	APAP 325mg/codeine 15mg	90	5/30/96
23123558	APAP 325mg/codeine 15mg	90	6/27/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

(26) Imogene Carol Maynard did, from January 25, 1996, through June 27, 1996, sell a controlled substance in an amount exceeding three times the bulk amount, but in an amount less than one hundred times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold the following controlled substances to Patient #11 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23115565	hydrocodone 5mg/APAP 500mg	90	1/25/96
23118771	hydrocodone 5mg/APAP 500mg	90	3/7/96
23122105	hydrocodone 5mg/APAP 500mg	90	5/2/96
23123560	hydrocodone 5mg/APAP 500mg	90	5/30/96
23125201	hydrocodone 5mg/APAP 500mg	90	6/27/96

Such conduct is in violation of Section 2925.03(A)(7) (as was in effect during said time period) of the Ohio Revised Code.

- (27) Imogene Carol Maynard did, on October 2, 1996, and again on October 17, 1996, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on each occasion Imogene Carol Maynard sold 90 unit doses of APAP 325mg/codeine 15mg pursuant to prescription number 23129371 to Patient #11 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (28) Imogene Carol Maynard did, on October 2, 1996, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold 90 unit doses of hydrocodone 5mg/APAP 500mg pursuant to prescription number 23129372 to Patient #11 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (29) Imogene Carol Maynard did, on March 11, 1996, sell a controlled substance in an amount equal to or exceeding the bulk amount, but in an amount less than three times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold 60 unit doses of hydrocodone 5mg/APAP 500mg pursuant to prescription number 23115157 to Patient #12 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) (as was in effect during said time period) of the Ohio Revised Code.
- (30) Imogene Carol Maynard did, on September 5, 1996, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold 60 unit doses of hydrocodone 5mg/APAP 500mg pursuant to prescription number 23127790 to Patient #12 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (31) Imogene Carol Maynard did, on September 10, 1996, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold 125 unit doses of Roxiprin pursuant to prescription number 23128933 to Patient #12 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (32) Imogene Carol Maynard did, on June 21, 1996, sell a controlled substance in an amount equal to or exceeding the bulk amount, but in an amount less than three times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold 60 unit doses of hydrocodone 7.5mg/APAP 650mg pursuant to prescription number 23121075 to Patient #13 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) (as was in effect during said time period) of the Ohio Revised Code.

(33) Imogene Carol Maynard did, on June 21, 1996, sell a controlled substance in an amount equal to or exceeding the bulk amount, but in an amount less than three times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold 60 unit doses of APAP 325mg/codeine 30mg pursuant to prescription number 23121076 to Patient #13 without a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) (as was in effect during said time period) of the Ohio Revised Code.

(34) Imogene Carol Maynard did, from August 21, 1996, through September 18, 1996, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold the following controlled substances to Patient #13 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23127960	hydrocodone 5mg/APAP 500mg	38	8/21/96
23128633	hydrocodone 5mg/APAP 500mg	34	9/5/96
23129321	hydrocodone 5mg/APAP 500mg	38	9/18/96

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

(35) Imogene Carol Maynard did, from August 21, 1996, through September 18, 1996, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold the following controlled substances to Patient #13 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23127959	APAP 325mg/codeine 30mg	42	8/21/96
23128632	APAP 325mg/codeine 30mg	42	9/5/96
23129320	APAP 325mg/codeine 60mg	38	9/18/96

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

(36) Imogene Carol Maynard did, from August 21, 1996, through December 5, 1996, sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Imogene Carol Maynard sold the following controlled substances to Patient #14 without a legitimate medical purpose:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
23127578	hydrocodone 5mg/APAP 500mg	120	8/21/96
23127578	hydrocodone 5mg/APAP 500mg	120	9/18/96
23132338	hydrocodone 5mg/APAP 500mg	120	12/5/96

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

(37) Imogene Carol Maynard did, on or about October 25, 1999, plead guilty to two counts of Attempted Illegal Processing of Drug Documents in violation of Section 2923.02 of the Ohio Revised Code as it relates to Section 2925.23 of the Ohio Revised Code, misdemeanors of the first degree. State of Ohio vs. Imogene C. Maynard, Case No. CR 359485, Cuyahoga County Common Pleas Court.

WHEREAS, Imogene Carol Maynard denies some or all of the allegations or charges. Notwithstanding Imogene Carol Maynard's denial of the allegations, the Board hereby adjudicates the same.

WHEREAS, Imogene Carol Maynard admits and acknowledges that she is not a "prevailing eligible party" for purposes of Sections 119.092 and 2335.39 of the Revised Code. Further, Imogene Carol Maynard waives any rights she may have under Sections 119.092 and 2335.39 of the Revised Code.

WHEREAS, Imogene Carol Maynard, with intention of binding herself and her successors in interest and assigns, hereby releases, and holds harmless from liability and forever discharges the State of Ohio, the Board, the Ohio Attorney General, and any and all of their present and former members, officers, attorneys, agents and employees, personally and in their official capacities, from any and all claims, demands, causes of actions, judgments, or executions that she ever had, or now has or may have, known or unknown, or that anyone claiming through or under her may have or claims to have, created by or arising out of the allegations or charges filed by the Board against Imogene Carol Maynard set forth in the Notices of Opportunity for Hearing.

WHEREAS, Imogene Carol Maynard 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.

THEREFORE, the parties, in consideration of the mutual covenants and promises contained herein, and in lieu of any further formal proceedings at this time, and intending to be bound by said covenants, agree as follows:

- (A) A one-year suspension of Imogene Carol Maynard's pharmacist identification card, No. 03-1-20639, to begin on the effective date of this agreement.
 - (1) Imogene Carol Maynard may be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension, however her duties must be outside the confines of the barricaded pharmacy area. This term includes allowing Imogene Carol Maynard to work as a pharmaceutical drug representative.
 - (2) Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is revoked, suspended, or refused, shall return the identification card and license [wall certificate] 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.

- (B) Imogene Carol Maynard must take and successfully complete the Jurisprudence examination offered by the Board prior to reinstatement and, if Imogene Carol Maynard has not successfully completed the Jurisprudence examination prior to one year from the effective date of this agreement, her license will remain suspended until this condition has been achieved.
- (C) Imogene Carol Maynard's license, upon the completion of the terms of suspension and after having passed the Jurisprudence examination, will be issued automatically upon renewal which may require submission of continuing pharmacy education as set forth in Chapter 4729-7 of the Ohio Administrative Code.
- (D) Upon reinstatement, Imogene Carol Maynard's pharmacist identification card, No. 03-1-20639, will be placed on probation for two years. The terms of probation are as follows:
- (1) The State Board of Pharmacy hereby declares that Imogene Carol Maynard's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code.
 - (2) Imogene Carol Maynard may not serve as a responsible pharmacist.
 - (3) Imogene Carol Maynard must not violate the drug laws of the state of Ohio, any other state, or the federal government.
 - (4) Imogene Carol Maynard must abide by the rules of the State Board of Pharmacy.
 - (5) Imogene Carol Maynard must comply with the terms of this agreement.
- (E) If, in the judgment of the Board, Imogene Carol Maynard appears to have violated or breached any terms or conditions of this agreement, the State Board of Pharmacy reserves the right to, at any time, revoke probation, modify the conditions of probation, and reduce or extend the period of probation, and/or the Board 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.

THIS AGREEMENT EMBODIES THE ENTIRE AGREEMENT BETWEEN AND OF THE PARTIES. THERE ARE NO EXPRESSED OR IMPLIED PROMISES, GUARANTEES, TERMS, COVENANTS, CONDITIONS, OR OBLIGATIONS OTHER THAN THOSE CONTAINED HEREIN; AND THIS AGREEMENT SUPERSEDES ALL PREVIOUS COMMUNICATIONS, REPRESENTATIONS, OR AGREEMENTS, EITHER VERBAL OR WRITTEN, BETWEEN THE PARTIES.

THE PARTIES HERETO ACKNOWLEDGE THAT THIS 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.

Imogene Carol Maynard refused to sign the Settlement Agreement, but because she signed the following Memorandum of Agreement, the above
Settlement Agreement became effective April 3, 2000.

MEMORANDUM OF AGREEMENT

The following terms of settlement have been reached by the parties, the Ohio State Board of Pharmacy and Respondents Ogden, Maynard, and Lafferty:

Ogden:

- three year suspension, begin dated as of the date of the summary suspension;
- five years probation to commence after the term of suspension, terms include: cannot be responsible pharmacist and cannot be a preceptor;
- must take and pass the Ohio jurisprudence examination prior to reinstatement;
- may work in a facility licensed by the Board but job duties must be outside the confines of the barricaded pharmacy area; this term includes allowing Respondent to work as a pharmaceutical drug representative.

Maynard:

- one year suspension;
- two years probation to commence after the term of suspension, terms include: cannot be responsible pharmacist and cannot be a preceptor;
- must take and pass the Ohio jurisprudence examination prior to reinstatement;
- may work in a facility licensed by the Board but job duties must be outside the confines of the barricaded pharmacy area; this term includes allowing Respondent to work as a pharmaceutical drug representative.

Lafferty:

- one year suspension;
- two years probation to commence after the term of suspension, terms include: cannot be responsible pharmacist and cannot be a preceptor;
- must take and pass the Ohio jurisprudence examination prior to reinstatement;
- may work in a facility licensed by the Board but job duties must be outside the confines of the barricaded pharmacy area; this term includes allowing Respondent to work as a pharmaceutical drug representative.

For all respondents, upon the completion of the terms of suspension, and having passed the jurisprudence examination, the licenses will be issued automatically upon renewal, which may require submission of continuing pharmacy education data.

[Dated February 21, 2000: As agreed]