



OHIO STATE BOARD OF PHARMACY

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-930916-018)

In The Matter Of:

PHILLIP A. ROTMAN, R.Ph.

Box D

Springboro, Ohio 45066

(R.Ph. No. 03-2-06801)

This Settlement Agreement is entered into by and between Phillip A. Rotman 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.

Phillip A. Rotman 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.

Phillip A. Rotman is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against Phillip A. Rotman and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Phillip A. Rotman'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) Phillip A. Rotman was notified, on or about September 16, 1993, pursuant to Chapter 119. of the Ohio Revised Code, by letter of the Summary Suspension Order pursuant to Section 3719.121(B) of the Ohio Revised Code of his registration and license to practice pharmacy, his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing. Phillip A. Rotman requested a hearing, and a hearing was scheduled in accordance with Chapter 119. of the Ohio Revised Code. Phillip A. Rotman was further notified on or about June 10, 1994, of amendments to the September 16, 1993, notice, as well as additional allegations which would be considered at the administrative hearing.
- (C) This Settlement Agreement is not an admission nor denial of the charges as set forth in the Summary Suspension Order dated September 16, 1993, and the

Amendment Notice dated June 10, 1994, as reiterated in paragraphs (D)(1) through (D)(10) below.

(D) Phillip A. Rotman was duly notified, pursuant to Section 3719.121 and Chapter 119. of the Ohio Revised, of the following allegations:

- (1) Phillip A. Rotman did, from July 4, 1991, to October 12, 1992, with the purpose to deprive the owner, Kroger Sav-On Pharmacy #941, knowingly obtain or exert control over dangerous drugs beyond the scope of the consent of the owner, to wit: Phillip A. Rotman stole 3,892 unit doses of Didrex 50mg, a schedule III controlled substance, and 260 unit doses of Winstrol 2mg, a schedule III controlled substance. When confronted by a Board of Pharmacy agent, Phillip A. Rotman admitted to stealing the drugs. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (2) Phillip A. Rotman did, from July 4, 1991, through June 14, 1992, knowingly sell a controlled substance in an amount greater than three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Phillip A. Rotman admittedly sold 900 unit doses of Didrex 50mg, a schedule III controlled substance, without a prescription and not for a legitimate medical purpose. When confronted by a Board of Pharmacy agent, Phillip A. Rotman admitted to selling these drugs to David Collins in exchange for a baseball autographed by members of the St. Louis Cardinals professional baseball team. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.
- (3) Phillip A. Rotman did, from February 16, 1992, through June 12, 1992, create false or forged prescriptions for dangerous drugs, to wit: Phillip A. Rotman created the following prescriptions, which he dispensed to his wife, when such had not been authorized by a practitioner:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
60177944	Naprosyn 500mg	60	06-12-92
60177943	Premarin 1.25mg	100	06-12-92
60177942	Synthroid 0.025mg	100	06-12-92
60177182	Zantac 150mg	60	06-02-92
60177181	Tessalon Perles 100mg	30	06-02-92
60177180	Augmentin 500mg	42	06-02-92
60167318	Vistaril 50mg	50	02-16-92

When confronted by a Board of Pharmacy agent, Phillip A. Rotman admitted to this activity. Such conduct is in violation of Section 4729.61(C) of the Ohio Revised Code.

- (4) Phillip A. Rotman did, from April 26, 1991, through May 26, 1992, create false or forged prescriptions for dangerous drugs, to wit: Phillip A. Rotman created the following prescriptions, which he dispensed to his daughter, when such had not been authorized by a practitioner:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
60161832	Hismanal 10mg	30	12-22-91
60161832(R)	Hismanal 10mg	30	04-15-92
60161833	Naprosyn 500mg	100	12-22-91

60176470	Trinalin	60	05-25-92
60176614	Bactroban Ointment	15	05-26-92
60176466	Furosemide 20mg	30	05-25-92
60176465	Synthroid 0.05mg	100	05-25-92
60176464	Methylprednisolone 4mg	100	05-25-92
60162066	Lotrisone Cream	45	12-24-91
60150001	Hismanal 10mg	30	08-11-91
60149358	Lachydrin Lotion	150	08-02-91
60141333	Zovirax 200mg	100	04-26-91
60141334	Zovirax Ointment	15	04-26-91

When confronted by a Board of Pharmacy agent, Phillip A. Rotman admitted to this activity. Such conduct is in violation of Sections 4729.61(C) and 2925.23(B) of the Ohio Revised Code.

- (5) Phillip A. Rotman did, from April 21, 1991, through September 16, 1992, create false or forged prescriptions for dangerous drugs, to wit: Phillip A. Rotman created the following prescriptions, which he dispensed to himself, when such had not been authorized by a practitioner:

<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>	<u>Date</u>
60177401	PCE Tablets 500mg	60	06/04/92
60177400	Tessalon Perles 100mg	50	06/04/92
60176354	Cephalexin 500mg	40	05/22/92
60166361	Peridex Oral Rinse	480	02/07/92
60160168	Macrodantin 100mg	40	12/07/91
60141171	Duricef 500mg	20	04/24/91

When confronted by a Board of Pharmacy agent, Phillip A. Rotman admitted to this activity. Such conduct is in violation of Sections 4729.61(C) and 2925.23(B) of the Ohio Revised Code.

- (6) Phillip A. Rotman did, from June 12, 1992, to October 13, 1992, with the purpose to deprive the owner, Kroger Sav-On Pharmacy #933, knowingly obtain or exert control over dangerous drugs beyond the scope of the consent of the owner, to wit: Phillip A. Rotman stole 900 unit doses of Didrex 50mg, a schedule III controlled substance, and 188 unit doses of Methyltestosterone 10mg sublingual tablets, a schedule III controlled substance. When confronted by a Board of Pharmacy agent, Phillip A. Rotman admitted to stealing the drugs. Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.
- (7) Phillip A. Rotman did, on or about August, 1992, knowingly sell a controlled substance in an amount greater than bulk but less than three times bulk when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Phillip A. Rotman admittedly sold 100 unit doses of Didrex 50mg, a schedule III controlled substance, without a prescription and not for a legitimate medical purpose. When confronted by a Board of Pharmacy agent, Phillip A. Rotman admitted to selling these drugs to Herman Winningham in exchange for a baseball autographed by members of the Boston Red Sox professional baseball team and a Boston Red Sox jersey autographed by Roger Clemens. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

- (8) Phillip A. Rotman did, on or about October 7, 1993, while not being a registered pharmacist or a pharmacy intern under the personal supervision of a registered pharmacist, compound, dispense, or sell drugs, dangerous drugs, or poisons, to wit: Phillip A. Rotman filled written order number 160431 for 20ml of Meperidine Injection 75mg/ml while employed as a pharmacist at Kettering Medical Center, and after having received notification that his license to practice pharmacy had been summarily suspended by the State Board of Pharmacy. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (9) Phillip A. Rotman did, on or about October 8, 1993, while not being a registered pharmacist or a pharmacy intern under the personal supervision of a registered pharmacist, compound, dispense, or sell drugs, dangerous drugs, or poisons, to wit: Phillip A. Rotman filled prescription number 513772 for 20 unit doses of Propoxyphene N-100 and prescription number 513788 for 90ml of Nucofed Expectorant, while employed as a pharmacist at Revco Discount Drug Center #467, and after having been personally advised by an agent of the Ohio State Board of Pharmacy on October 7, 1993, that his license to practice pharmacy had been summarily suspended. Such conduct is in violation of Section 4729.28 of the Ohio Revised Code.
- (10) (A) The Board of Pharmacy did, on or about May 28, 1974, find and order the following relating to Bennett Drug and Phillip A. Rotman as its owner:
 - (1) Phillip A. Rotman sold misbranded drugs which were not sold for use by or on the order of a licensed veterinarian in violation of Sections 3715.52(B) and 3715.64(A)(11)(a) of the Ohio Revised Code; and
 - (2) Phillip A. Rotman was fined the net sum of \$100.00 for said violation.
- (B) The Board of Pharmacy did, on or about January 31, 1979, issue to Bennett Drug, in care of Phillip A. Rotman as the owner and Responsible Pharmacist, a written warning letter ordering him to cease and desist from violating Ohio laws relating to the practice of pharmacy. The warning was issued for having dispensed a drug which was not prescribed and for having improperly labeled the medication in violation of Section 3715.52 of the Ohio Revised Code.
- (C) Phillip A. Rotman was, on or about December 22, 1980, convicted in the Common Pleas Court of Franklin County, Ohio, of Falsification in violation of Section 2921.11 of the Ohio Revised Code, a misdemeanor of the first degree, for having committed offenses relating to welfare fraud against the state of Ohio.
- (D) Phillip A. Rotman did, on or about May 3, 1984, pursuant to a complaint filed in the United States District Court for the Southern District of Ohio by the United States of America, enter into a consent agreement wherein Phillip A. Rotman was enjoined from selling misbranded drugs and/or selling drugs without valid prescriptions in violation of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sections 301-392.

The continuing course of conduct alleged herein, as well as the individual acts, if proven, constitutes being guilty of 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.

