



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

URL: <http://www.pharmacy.ohio.gov>

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-040511-070)

In The Matter Of:

Dennis W. White, R.Ph.
2484 Coldsprings Drive
Beavercreek, Ohio 45434
(R.Ph. No. 03-2-09201)

This Settlement Agreement is entered into by and between Dennis W. White 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.

Dennis W. White 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. Dennis W. White 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, Dennis W. White is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about May 11, 2004, pursuant to Chapter 119. of the Ohio Revised Code, Dennis W. White 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. Dennis W. White requested a hearing; it was scheduled and continued. The May 11, 2004 Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Dennis W. White was originally licensed in the State of Ohio on February 18, 1969 pursuant to examination and is currently licensed to practice pharmacy in the State of Ohio. Records further reflect during the relevant time periods stated herein, Dennis W. White was the Responsible Pharmacist at CVS Pharmacy #3458, 1331 North Fairfield Road, Beavercreek, Ohio, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
- (2) Dennis W. White did, on or about November 7, 2002, misbrand a drug, to wit: when Dennis W. White received a prescription for rifampin 150 mg, Rx #164799, he dispensed rifampin 300 mg, which had not been prescribed by the physician. The patient subsequently developed hepatotoxicity. Such conduct is in violation of Section 3715.52(A)(2) of the Ohio Revised Code.

- (3) Dennis W. White did, on or about November 7, 2002, and dates subsequent, fail to maintain a prescription in the pharmacy for a period of three years, to wit: after dispensing Rx #164799, Dennis W. White did not file or otherwise keep the prescription record on file at CVS Pharmacy. Such conduct is in violation of Section 4729.37 of the Ohio Revised Code and Rule 4729-5-09(C) of the Ohio Administrative Code.
- (4) Dennis W. White did, on or about November 7, 2002, and dates subsequent, fail to keep the counseling dispensing log readily available and produced promptly for inspection by the Board, to wit: the daily counseling log is no longer maintained in the pharmacy for said date; however, other dates are available. Such conduct is in violation of Rule 4729-5-27(H) of the Ohio Administrative Code.

Whereas, 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, Dennis W. White knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Dennis W. White agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) relating to paragraph two, five hundred dollars (\$500.00) relating to paragraph three and five hundred dollars (\$500.00) relating to paragraph four, for a total monetary penalty of \$1,250.00, and payment of the monetary penalty is 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 form to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126.
- (B) In addition to any and all other continuing education requirements, Dennis W. White agrees to attend, within six months of the effective date of this agreement, one additional hour (0.1CEU) of Board-approved continuing pharmacy education relating to errors in dispensing.

If, in the judgment of the Board, Dennis W. White appears to have violated or breached any terms or conditions of this Agreement, the Ohio 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.

Dennis W. White 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.

Dennis W. White 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. Dennis W. White 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.

Dennis W. White, Respondent

11/22/2004
Date of Signature

David W. Grauer, Attorney for Respondent

11/28/2004
Date of Signature

Lawrence J. Kost, President, Ohio State Board of Pharmacy

02/07/2005
Date of Signature

Sally Ann Steuk, Ohio Assistant Attorney General

02/07/2005
Date of Signature