



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

-Equal Opportunity Employer and Service Provider-

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-061212-018)

In The Matter Of:

TERI LEE VARNEY, R.Ph.
302 Morningside Drive
Waverly, Ohio 45690
(R.Ph. No. 03-2-13951)

This Settlement Agreement is entered into by and between Teri Lee Varney 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.

Teri Lee Varney 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. Teri Lee Varney acknowledges that by entering into this agreement she has waived her 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, Teri Lee Varney is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about December 12, 2006, pursuant to Chapter 119. of the Ohio Revised Code, Teri Lee Varney 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. Teri Lee Varney requested a hearing; it was scheduled. The December 12, 2006, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Teri Lee Varney was originally licensed by the State of Ohio as a pharmacist on August 1, 1980, pursuant to examination, and is currently licensed to practice in Ohio.
- (2) Teri Lee Varney did, on or about July 31, 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 dispensing Rx #6719829, Teri Lee Varney did not indicate the directions for use of the drug as was prescribed by the physician. The prescription's directions called for the 3 month-old child to be dispensed 15

mg/dose Zantac liquid, but the label you affixed to the prescription bottle called for a 225 mg/dose. The child was hospitalized. 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) Teri Lee Varney did, on or about July 31, 2006, prior to dispensing Rx #6719829, fail to review the patient profile in order to conduct prospective drug utilization review, to wit: Teri Lee Varney failed to review the patient profile for over-utilization, incorrect drug dosage and duration of drug treatment, and misuse. Such conduct is in violation of Rule 4729-5-20 of the Ohio Administrative Code.

Teri Lee Varney neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated December 12, 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, Teri Lee Varney knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Teri Lee Varney 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) Teri Lee Varney 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.

Teri Lee Varney 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. 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.

Teri Lee Varney waives any and all claims or causes of action she 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. Teri Lee Varney 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.

Teri Lee Varney, R.Ph., Respondent

04/19/2007
Date of Signature

05/08/2007

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

Date of Signature

Sally Ann Steuk, Ohio Assistant Attorney General

05/08/2007
Date of Signature