



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

www.pharmacy.ohio.gov

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-931228-037)

In the Matter of:

JOSEPH D. GRUBB, II, R.Ph.

3461 Independence Street

Grove City, Ohio 43123

(R.Ph. No. 03-2-15166)

This Settlement Agreement is entered into by and between Joseph D. Grubb 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.

Joseph D. Grubb 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.

Joseph D. Grubb is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against Joseph D. Grubb and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Joseph D. Grubb'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:

1. 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.
2. Joseph D. Grubb was originally licensed to practice pharmacy in the state of Ohio on August 10, 1973, and is currently practicing pharmacy. Records further reflect that Joseph D. Grubb, during relevant time periods, was the responsible pharmacist at Kroger N-341 in Grove City, Ohio, pursuant to Sections 4729.55 and 4729.27 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code.
3. On December 28, 1993, Joseph D. Grubb was notified, pursuant to Chapter 119. of the Ohio Revised Code, by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing. Attached hereto and incorporated with this Agreement is the Notice of Opportunity letter dated December 28, 1993, marked as Exhibit A.

4. As demonstrated by return receipt of January 4, 1994, Joseph D. Grubb received the letter of December 28, 1993, informing him of the allegations against him and his rights.
5. Joseph D. Grubb, by and through his counsel, requested a hearing and a hearing was scheduled in accordance with Chapter 119. of the Ohio Revised Code.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Joseph D. Grubb knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Joseph D. Grubb's license to practice pharmacy in the state of Ohio is suspended indefinitely.
 - (1) Further, the Board will suspend the suspension and place Joseph D. Grubb's identification card on probation effective May 1, 1994, through May 1, 1996, provided that Joseph D. Grubb takes and successfully completes the Jurisprudence and Federal Drug Law Examinations offered by the Board prior to May 1, 1995. The terms of probation are as follows:
 - (a) Joseph D. Grubb must not violate the drug laws of the state of Ohio, any other state, or the federal government;
 - (b) Joseph D. Grubb must abide by the rules of the State Board of Pharmacy; and
 - (c) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Joseph D. Grubb's pharmacist identification card is not in good standing and hereby denies him the privilege of being a preceptor and training pharmacy interns for a period until May 1, 1996.
 - (d) Joseph D. Grubb must comply with the terms of this Agreement.
 - (2) If Joseph D. Grubb does not receive a passing score prior to May 1, 1995, the indefinite suspension will take effect until the exams are successfully completed.
- (B) The State Board of Pharmacy imposes a monetary penalty of \$1,250.00 due and owing prior to November 1, 1994. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed form to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320.

If, in the judgment of the Board, Joseph D. Grubb 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

