



OHIO STATE BOARD OF PHARMACY

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

-Equal Opportunity Employer and Service Provider-

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URL: <http://www.state.oh.us/pharmacy/>

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-040211-059)

In The Matter Of:

STEPHEN ANDREW SUMMERS, R.Ph.

9597 Pence Jones Road
Waynesville, Ohio 45068
(R.Ph. No. 03-2-16556)

This Settlement Agreement is entered into by and between Stephen Andrew Summers 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.

Stephen Andrew Summers 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. Stephen Andrew Summers 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, Stephen Andrew Summers is licensed to practice pharmacy in the State of Ohio.

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

- (1) Records of the Board of Pharmacy indicate that Stephen Andrew Summers was originally licensed in the State of Ohio on August 6, 1986, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2)

(3)

Stephen Andrew Summers neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated January 7, 2004; 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, Stephen Andrew Summers knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Stephen Andrew Summer's pharmacist identification card, No. 03-2-16556, will be placed on probation for two years, effective from the date of this Agreement.
- (B) Stephen Andrew Summers agrees to the imposition of a monetary penalty of two thousand five hundred dollars (\$2,500.00) 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
- (C) The terms of probation are as follows:
 - (1) The State Board of Pharmacy hereby declares that Stephen Andrew Summer'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) Stephen Andrew Summers may not serve as a responsible pharmacist.
 - (3) Stephen Andrew Summers must, during the period of probation, notify any future employers of his probation and its terms.
 - (4) Stephen Andrew Summers may destroy, assist in, or witness the destruction of controlled substances.
 - (5) Stephen Andrew Summers must not violate the drug laws of the State of Ohio, any other state, or the federal government.

- (6) Stephen Andrew Summers must abide by the rules of the Ohio State Board of Pharmacy.
- (7) Stephen Andrew Summers must comply with the terms of this Agreement.

If, in the judgment of the Board, Stephen Andrew Summers 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.

Stephen Andrew Summers 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.

Stephen Andrew Summers 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. Stephen Andrew Summers 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.

Stephen Andrew Summers, R.Ph., Respondent

04/21/04

Date of Signature

Jay D. Revelson, Attorney for Respondent

04/21/04

Date of Signature

Robert P. Giacalone, President, Ohio State Board of Pharmacy

05/04/04

Date of Signature

Sally Ann Steuk, Ohio Assistant Attorney General

05/05/04

Date of Signature

MONETARY PENALTY TRANSMITTAL FORM

IN THE MATTER OF:

STEPHEN ANDREW SUMMERS, R.Ph.
(R.Ph. No. 03-2-16556)

THE ENCLOSED AGREEMENT OF THE OHIO STATE BOARD OF PHARMACY IMPOSES A MONETARY PENALTY PURSUANT TO SECTION 4729.16 OF THE REVISED CODE. SAID MONETARY PENALTY OF \$2,500.00 DUE PRIOR TO THIRTY DAYS FROM THE EFFECTIVE DATE OF THIS AGREEMENT.

TO ENSURE THE PROPER CREDIT, **RETURN THIS FORM WITH YOUR PAYMENT** TO THE OHIO STATE BOARD OF PHARMACY; 77 SOUTH HIGH STREET, Room 1702; COLUMBUS, OHIO 43215-6126. PAYMENT IS TO BE MADE PAYABLE TO THE "TREASURER, STATE OF OHIO".

PAYMENT NOT RECEIVED DURING THE DESIGNATED TIME MAY RESULT IN FURTHER ACTION BY THE BOARD THROUGH THE OFFICES OF THE STATE AUDITOR AND ATTORNEY GENERAL.

- FOR BOARD USE ONLY BELOW THIS LINE -

Docket No. _____	D-040211-059	Penalty Type _____	Settlement Agreement
Amount Assessed _____	\$2,500.00	Control No. _____	
Amount Suspended _____	-0-	Date Received _____	
Amount Due _____	\$2,500.00	Amount Received _____	