



# 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-050901-022)

In The Matter Of:

**AMIN J. ABED, R.Ph.**

4649 Prestwick Crossing  
Westlake, Ohio 44145  
(R.Ph. No. 03-2-18191)

This Settlement Agreement is entered into by and between Amin J. Abed 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.

Amin J. Abed 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. Amin J. Abed 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, Amin J. Abed is licensed to practice pharmacy in the State of Ohio.

Whereas, on or about September 1, 2005, pursuant to Chapter 119. of the Ohio Revised Code, Amin J. Abed 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. Amin J. Abed requested a hearing; it was scheduled and continued. The September 1, 2005, Notice of Opportunity for Hearing contains the following allegations or charges:

- (1) Records of the State Board of Pharmacy indicate that Amin J. Abed was originally licensed by the State of Ohio as a pharmacist on March 6, 1990, pursuant to reciprocity, and is currently licensed to practice pharmacy in Ohio.
- (2) Amin J. Abed did, on or about January 3, 2005, dispense a drug pursuant to a prescription without having the correct directions for use indicated on the label affixed to the container, to wit: when dispensing Rx #0339707, Amin J. Abed did not indicate the directions for use of the drug as was prescribed by the physician. The prescription was written for Pepcid 40 mg/5 ml, for a

6-month-old child, to be taken 0.8 ml twice daily. The label Amin J. Abed affixed indicated that the patient was to be given 8 ml twice daily. The patient was harmed. 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.

Amin J. Abed neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated September 1, 2005; 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, Amin J. Abed knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Amin J. Abed agrees to the imposition of a monetary penalty of two hundred fifty dollars (\$250.00) 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) Amin J. Abed must obtain, within ninety days from the effective date of this Agreement, two hours of continuing pharmacy education (0.2 CEUs) on preventing medication errors pertaining to children, which may not also be used for license renewal.

If, in the judgment of the Board, Amin J. Abed appears to have violated or breached any terms or conditions of this Agreement, 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.

Amin J. Abed 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.

Amin J. Abed 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. Amin J. Abed 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.

\_\_\_\_\_  
Amin J. Abed, R.Ph., Respondent

\_\_\_\_\_  
10/25/2005  
Date of Signature

\_\_\_\_\_  
David W. Grauer, Attorney for Respondent

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10/21/2005  
Date of Signature

\_\_\_\_\_  
11/07/2005

Suzanne R. Eastman, President, Ohio State Board of Pharmacy

Date of Signature

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Sally Ann Steuk, Ohio Assistant Attorney General

11/07/2005  
Date of Signatur