



OHIO STATE BOARD OF PHARMACY

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SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-050311-050)

In The Matter Of:

JASON MATTHEW CLARK, R.Ph.
224 Lanford Road
Spartanburg, South Carolina 29301
(R.Ph. No. 03-2-21133)

This Settlement Agreement is entered into by and between Jason Matthew Clark 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.

Jason Matthew Clark 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.

Jason Matthew Clark is knowingly and voluntarily acknowledging that, in order to settle possible disciplinary charges and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Jason Matthew Clark'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:

Whereas, 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 therein.

- (1) Records of the Board of Pharmacy indicate that Jason Matthew Clark was originally licensed in the State of Ohio on July 27, 1995, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
- (2) Jason Matthew Clark became addicted to opioide drugs, to wit: Jason Matthew Clark has entered into a recovery program due to addiction; had his license to practice pharmacy suspended, and subsequently reinstated under conditions, by the South Carolina State Board of Pharmacy; and was granted pre-trial intervention in South Carolina criminal court, which he subsequently completed successfully. Jason Matthew Clark is in an after-care program while practicing pharmacy in South Carolina under a term of probation. Such conduct indicates that Jason Matthew Clark falls within the ambit of Sections 3719.121 and 4729.16(A)(3) of the Ohio Revised Code.

- (3) Jason Matthew Clark's probation with the South Carolina Board of Pharmacy runs through July of 2008, requiring terms for completing his recovery in the South Carolina Recovering Professionals Program (RPP).

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of a formal hearing at this time, Jason Matthew Clark knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (A) Jason Matthew Clark must maintain compliance with his South Carolina sanctioned recovery and his fitness to continue his practice of pharmacy.
- (B) Jason Matthew Clark must inform the Ohio State Board of Pharmacy if he plans to return to Ohio to practice pharmacy in Ohio, and must appear before the Board to show compliance with his recovery program as mandated by the South Carolina State Board of Pharmacy.

If, in the judgment of the Board, Jason Matthew Clark 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.

Jason Matthew Clark 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.

Jason Matthew Clark 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. Jason Matthew Clark 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.

Jason Matthew Clark, R.Ph., Respondent

03-29-05

Date of Signature

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

04-12-05

Date of Signature

Sally Ann Steuk, Ohio Assistant Attorney General

04-12-05

Date of Signature