



# 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

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## SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-060111-054)

In The Matter Of:

**DANIEL JOSEPH HUFFMAN, R.Ph.**

2301 Howland Wilson Road, N.E.

Warren, Ohio 44484

(R.Ph. No. 03-2-23577)

This Settlement Agreement is entered into by and between Daniel Joseph Huffman 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.

Daniel Joseph Huffman 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. Daniel Joseph Huffman 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, Daniel Joseph Huffman's licensed to practice pharmacy in the State of Ohio was summarily suspended on January 11, 2006.

Whereas, on or about January 11, 2006, and November 21, 2006, pursuant to Chapter 119. of the Ohio Revised Code, Daniel Joseph Huffman 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. Daniel Joseph Huffman requested a hearing.

Daniel Joseph Huffman neither admits nor denies the allegations stated in the Summary Suspension/Notice of Opportunity for Hearing letter dated January 11, 2006, and Addendum Notice dated November 21, 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, Daniel Joseph Huffman knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Agreement issued to Daniel Joseph Huffman on January 11, 2006.

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification card, No. 03-2-23577, held by Daniel Joseph Huffman and such suspension is effective as of the date of the mailing of this Agreement.

- (A) Daniel Joseph Huffman, pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, may not be employed by or work in a facility licensed by the State Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (B) Daniel Joseph Huffman, pursuant to Section 4729.16(B) of the Ohio Revised Code, must return his identification card and license (wall certificate) to the office of the State Board of Pharmacy within ten days after receipt of this Agreement unless the Board office is already in possession of both. The identification card and wall certificate should be sent by certified mail, return receipt requested.

Further, after three years from the effective date of this Agreement, the Board will consider any petition filed by Daniel Joseph Huffman for a hearing, pursuant to Ohio Revised Code Chapter 119., for reinstatement. The Board will only consider reinstatement of the license to practice pharmacy in Ohio if the following conditions have been met:

- (A) Daniel Joseph Huffman must enter into a **new** contract, signed within thirty days after the effective date of this Agreement, with an Ohio Department of Alcohol and Drug Addiction Services (ODADAS) treatment provider or a treatment provider acceptable to the Board for a period of not less than five years and, and submit a copy of the signed contract to the Board office. The contract must provide that:
  - (1) **Random, observed** urine drug screens shall be conducted at least once each month.
    - (a) The urine sample must be given within twelve hours of notification. The urine drug screen must include testing for creatinine or specific gravity of the sample as the dilutional standard.
    - (b) Results of all drug screens must be negative. Refusal of a drug screen or a diluted drug screen is equivalent to a positive result. Any positive results, including those which may have resulted from ingestion of food, but excluding false positives which resulted from medication legitimately prescribed, indicates a violation of the contract.
  - (2) The intervener/sponsor shall submit to the Board reports, in a format acceptable to the Board, indicating drug screens and their results in a timely fashion. Actual copies of drug screens shall be made available to the Board upon request.
  - (3) Attendance is required a minimum of three times per week at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting.
  - (4) The program shall immediately report to the Board any violations of the contract and/or lack of cooperation.

- (B) Daniel Joseph Huffman must demonstrate satisfactory proof to the Board that he is no longer addicted to or abusing drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy.
- (C) Daniel Joseph Huffman must continue with his psychiatric/psychological treatment plan.
- (D) Daniel Joseph Huffman must provide, at the reinstatement petition hearing, documentation of the following:
  - (1) Compliance with the contract required in paragraph A above (e.g.-proof of giving the sample within twelve hours of notification and copies of all drug screen reports, meeting attendance records, treatment program reports, etc.);
  - (2) Compliance with the continuing pharmacy education requirements set forth in Chapter 4729-7 of the Ohio Administrative Code as applicable and in effect on the date of petitioning the Board for reinstatement;
  - (3) Compliance with the treatment plan required in paragraph C above;
  - (4 )Compliance with the terms of this Agreement.
- (E) Upon such time as the Board may consider reinstatement, Daniel Joseph Huffman will be afforded a Chapter 119. hearing. At such time, the Board may consider reinstatement with or without restrictions and/or conditions as the Board deems appropriate under the circumstances.

Daniel Joseph Huffman 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.

Daniel Joseph Huffman 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. Daniel Joseph Huffman 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.

Daniel Joseph Huffman, R.Ph., Respondent	05/09/2007 Date of Signature
James Lindon, Attorney for Respondent	05/09/2007 Date of Signature
James E. Turner, President, Ohio State Board of Pharmacy	05/09/2007 Date of Signature
	05/09/2007

Sally Ann Steuk, Ohio Assistant Attorney General

Date of Signature



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## SUMMARY SUSPENSION ORDER/NOTICE OF OPPORTUNITY FOR HEARING

January 11, 2006

**Daniel J. Huffman, R.Ph.**  
2301 Howland Wilson Road, N.E.  
Warren, Ohio 44484

Re: Ohio Registered Pharmacist  
Number 03-2-23577

Dear Mr. Huffman:

In accordance with Section 3719.121(A) of the Ohio Revised Code, the Board has determined that you are addicted to the use of controlled substances. Further, in accordance with Section 3719.121(B) of the Ohio Revised Code, the Board has determined that there is clear and convincing evidence that the continuation of your professional practice presents a danger of immediate and serious harm to others. The reasons for the Board's action are that you have committed any and/or all of the following acts:

- (1) Records of the Board of Pharmacy indicate that you were originally licensed in the State of Ohio on July 2, 1999, pursuant to examination, and are currently licensed to practice pharmacy in the State of Ohio.
- (2) You are addicted to the use of controlled substances, to wit: you have admitted to Board agents that you are psychologically and physically addicted to controlled substances; you have admitted stealing controlled substances from your employer for your personal abuse; you have admitted to abusing controlled substances while practicing pharmacy, and injecting yourself daily with approximately 40 mg of morphine sulfate or an opiate equivalent. Such conduct indicates that you are within the ambit of Sections 3719.121 and/or 4729.16(A)(3) of the Ohio Revised Code.
- (3) You did, on or about January 5, 2006, or on dates preceding, with purpose to deprive, knowingly obtain or exert control over dangerous drugs, the property of Neighbor Care Pharmacy, by deception, to wit: you have admittedly stolen the following drugs from your employer:

2 x 30ml morphine oral solution 20 mg/ml  
1 x 20 ml hydromorphone inj. 2 mg/ml  
50 mg Marinol  
19 tablets of Viagra 50 mg  
19 capsules of Marinol 10 mg  
1 Duragesic 50 microgram patch

1 x 100 capsules of minocycline 50 mg  
20 amps Demerol inj. 100 mg/ml  
60 tablets of hydromorphone 4 mg  
25 amps morphine inj. 10 mg/ml  
1 x 100 tablets of metronidazole 500 mg

Such conduct is in violation of Section 2913.02 of the Ohio Revised Code.

- (4) You did, on or about November 10, 2005, intentionally make and/or knowingly possess false or forged prescriptions, to wit: you created a false patient drug order for 20 amps Demerol inj. 100 mg/ml for a patient at Bath Manor; and two false patient orders, one for 25 amps morphine sulfate inj. 10 mg/10ml for a patient at Hospitality House and one for 60 hydromorphone 4 mg tablets, for a patient at Dixon Place. You did this so as to cover for your theft of the drugs. Such conduct is in violation of Section 2925.23 of the Ohio Revised Code.

YOU ARE HEREBY NOTIFIED that Section 3719.121(A) of the Ohio Revised Code states, in pertinent part: "any ... pharmacist, ... who is or becomes addicted to the use of controlled substances, shall be suspended by the board that authorized the person's license, certificate, or registration..."

YOU ARE HEREBY NOTIFIED that Section 3719.121(B) of the Ohio Revised Code states, in pertinent part:

- (B) If the board under which a person has been issued a license, . . . , . . . determines that there is clear and convincing evidence that continuation of the person's professional practice or method of prescribing or personally furnishing controlled substances presents a danger of immediate and serious harm to others, the board may suspend the person's license, . . . , . . . , without a prior hearing.

WHEREFORE, PURSUANT TO SECTIONS 3719.121(A) and (B) OF THE OHIO REVISED CODE, YOU ARE HEREBY NOTIFIED THAT YOUR REGISTRATION AND LICENSE TO PRACTICE PHARMACY IN THE STATE OF OHIO IS HEREBY SUSPENDED. FURTHER, PURSUANT TO RULE 4729-9-01(F) OF THE OHIO ADMINISTRATIVE CODE, DURING THIS TERM OF SUSPENSION YOU MAY NOT BE EMPLOYED BY OR WORK IN ANY FACILITY LICENSED BY THE BOARD OF PHARMACY TO POSSESS OR DISTRIBUTE DANGEROUS DRUGS. This suspension shall remain in effect until an adjudicatory hearing has been held pursuant to Chapter 119. of the Revised Code, and a final Order has been issued, during which time you may not engage in the practice of pharmacy.

YOU ARE FURTHER NOTIFIED that Section 4729.16 of the Ohio Revised Code states, in pertinent part:

- (A) The State Board of Pharmacy, after notice and hearing in accordance with Chapter 119. of the Ohio Revised Code, may revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card under this chapter, or may impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Ohio Revised Code for a similar offense, or in the case of a violation of a section of the Ohio Revised Code that does not bear a penalty, a monetary penalty or forfeiture of no more than five hundred dollars, if the Board finds a pharmacist or pharmacy intern:

- (1) Guilty of a felony or gross immorality;

- (2) Guilty of dishonesty or unprofessional conduct in the practice of pharmacy;
- (3) Addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;
- (4) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;
- (5) Guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 or Chapter 2925. or 3719. of the Revised Code;
- (6) Guilty of permitting anyone other than a pharmacist or pharmacy intern to practice pharmacy;
- (7) Guilty of knowingly lending the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or having professional connection with an illegal practitioner of pharmacy;
- (8) Guilty of dividing or agreeing to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;
- (9) Has violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;
- (10) Has committed fraud, misrepresentation, or deception in applying for or securing a license or identification card issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code.

IF YOU DESIRE A HEARING, such request shall be mailed to the State Board of Pharmacy, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126. YOUR REQUEST MUST BE IN WRITING, AND MUST BE RECEIVED IN THE OFFICE OF THE OHIO STATE BOARD OF PHARMACY ON OR PRIOR TO THE THIRTIETH (30<sup>TH</sup>) DAY FOLLOWING THE MAILING DATE OF THIS NOTICE. You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you.

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the thirtieth (30<sup>th</sup>) day following the mailing of this notice, the Ohio State Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy

within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

BY ORDER OF THE STATE BOARD OF PHARMACY

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William T. Winsley, M.S., R.Ph.  
Executive Director

WTW:lf (D-060111-054)

CERTIFIED MAIL/Return Receipt  
7003 0500 0002 4340 9234

cc: Sally Ann Steuk, Assistant Attorney General