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IN THE MATTER OF:

CASE NO. 2015-1376 RECEIVED
OHIO BOARD OF PHARMACY

Ann Kuttothara
2648 Lynnmore Drive
Columbus, Ohio 43235

License No. 03-2-34073

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (OSBP) and Ann Kuttothara, for the purpose of resolving all issues between the parties relating to the OSBP investigation of the misbrand of RX6118064. Together, OSBP and Ann Kuttothara are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code and the rules adopted thereunder, the OSBP has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.16 of the Ohio Revised Code to practice pharmacy as in the state of Ohio.
2. Ann Kuttothara is a licensed pharmacist under license number 03-2-34073.

FACTS

1. On or about April 21, 2015, the OSBP initiated an investigation of Ann Kuttothara, pharmacist license number 03-2-34073, related to Ann Kuttothara's misbrand of RX6118064.
2. On or about December 11, 2015, the OSBP sent a Notice of Opportunity for Hearing to Ann Kuttothara, which outlined the allegations and provided notice of her right to a hearing, her rights in such hearing, and her right to submit contentions in writing.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

77 South High Street, 17th Floor, Columbus, Ohio 43215



1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.
2. Ann Kuttothara neither admits nor denies the allegations stated in the Notice of Opportunity for hearing letter dated December 11, 2015; however, the OSBP has evidence sufficient to sustain the allegations and hereby adjudicates the same.
3. Ann Kuttothara must obtain, within 90 days from the effective date of this Agreement, 5 hours of approved continuing pharmacy education (0.5 CEUs) in medication errors and/or patient safety, which may not also be used for license renewal.
4. Ann Kuttothara agrees to pay to the OSBP the amount of \$1,000.00, by means of a cashier's check made payable to "Treasurer, State of Ohio," mailed with the enclosed form to the OSBP, 77 South High Street, Room 1702, Columbus, Ohio 43215-6126, no later than 30 days from the effective date of this Agreement.
5. Ann Kuttothara agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.
6. Ann Kuttothara understands that it has the right to be represented by counsel for review and execution of this agreement.
7. Ann Kuttothara agrees and acknowledges that this OSBP disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction in which they currently hold a professional license, including to the OSBP on renewal applications or applications for a new license.
8. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
9. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.
10. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
11. This Agreement shall become effective upon the date of the Board President's signature below.

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IN WITNESS WHEREOF, the parties to this Agreement have executed it and/or cause it to be executed by their duly authorized representatives.

Approved by:

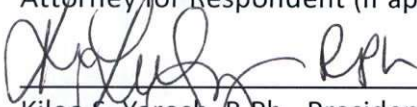


Ann Kuttothara, Respondent

1-5-16

Date of Signature

Attorney for Respondent (if applicable)

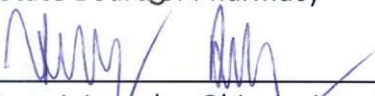


Kilee S. Yarosh, R.Ph., President,
Ohio State Board of Pharmacy

Date of Signature

2/11/16

Date of Signature



Matthew J. Lampke, Ohio Assistant Attorney General

1/12/16

Date of Signature

Henry Appel

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**NOTICE OF OPPORTUNITY FOR HEARING
PROPOSAL TO TAKE DISCIPLINARY ACTION AGAINST LICENSEE**

IN THE MATTER OF:

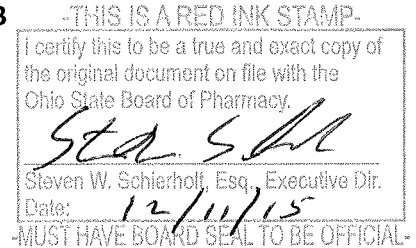
CASE NO. 2015-1376

Ann Kuttothara, RPh.
2648 Lynnmore Drive
Columbus, OH 43235

License No. 03-2-34073

December 11, 2015

Dear Ann Kuttothara,



You are hereby notified, in accordance with the provisions of Section 119.07 of the Ohio Revised Code the State of Ohio Board of Pharmacy (Board) proposes to take action against your license under authority of Section 4729.16 of the Revised Code, Chapter 4729-5-04 of the Administrative Code.

JURISDICTION

1. Pursuant to Section 4729.16 of the Ohio Revised Code (ORC) and the rules adopted thereunder, the Board has the authority to revoke, suspend, limit, place on probation, or refuse to grant or renew an identification card issued pursuant to Section 4729.07 through 4729.08 of the ORC to practice as a pharmacist in the state of Ohio. Additionally, Section 4729.16 of the Revised Code grants the Board the Authority to impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or \$500 if the violation committed does not bear a penalty in the Revised Code.
2. You are a licensed pharmacist in the state of Ohio under license number 03234073; your current renewal is set to expire September 15, 2016.

ALLEGATIONS

1. On or about April 1, 2015, you misbranded a drug within the meaning of ORC 3715.64, to wit: when you received a prescription label to fill a quantity of 30 tablets of atenolol 50 mg tablets under prescription number 6118064 but dispensed amitriptylline 50 mg tablets which was not specifically prescribed by the physician. Such conduct falls below the acceptable and prevailing methods for standard of care.
2. The patient, Joseph Blackwell, suffered harm after ingesting two (2) to three (3) doses of the incorrect medication. The patient experienced weakness, fatigue, and palpitations and sought treatment at the emergency room where he was given the correct medication.



3. During an interview, you admitted that you made the error by incorrectly performing the final verification.

POTENTIAL VIOLATIONS OF LAW

1. Such conduct as set forth in paragraphs (1) through (3) of the Allegations section, if proven, constitutes a violation of Section 3715.52(A)(2) of the ORC, sale or delivery of an adulterated or misbranded drug, a misdemeanor of the fourth degree, punishable by a maximum fine of \$250.
2. Similarly, such conduct, as set forth in paragraphs (1) through (3) of the Allegations section, if proven, also constitutes a violation of Section 3715.64(A)(1) of the ORC, adulteration or misbranding, a misdemeanor of the fourth degree, punishable by a maximum fine of \$250.
3. Additionally, such conduct, as set forth in paragraphs (1) through (3) of the Allegations section, if proven, also constitutes a violation of each of the following Sections of the ORC, each violation constituting a minor misdemeanor each punishable by a maximum fine of \$150:
 - a. Being guilty of unprofessional conduct in the practice of pharmacy, ORC Section 4729.16(A)(2); and/or
 - b. Being guilty of willfully violating, any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions; ORC Section 4729.16(A)(5).
4. Such conduct, as set forth in paragraphs (1) through (3) of the Allegations section, if proven, constitutes a violation of the following Ohio Administrative Code (OAC), punishable by a maximum fine of \$500: not of good moral character or habits, OAC Rule 4729-5-04(C).

YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the Ohio State Board of Pharmacy, if you request such a hearing within thirty 30 days of the date of the mailing of this notice.

IF YOU DESIRE A HEARING, such request shall either be mailed to the State of Ohio Board of Pharmacy, Attn: Legal, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126 or an e-mail request may be sent to legal@pharmacy.ohio.gov (please note faxes will not be accepted). **YOUR REQUEST MUST BE RECEIVED ON OR PRIOR TO THE 30TH 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. **If you are a corporation, you must be represented at the hearing by an attorney licensed to practice in the state of Ohio.**

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the 30th 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.

If you have questions regarding the Chapter 119. Administrative Hearing process, please e-mail your questions to legal@pharmacy.ohio.gov or call the Board office at 614-466-4143 and ask for the legal department.

BY ORDER OF THE STATE BOARD OF PHARMACY

A handwritten signature in black ink, appearing to read 'SWS', is written above a horizontal line.

Steven W. Schierholt, Esq., Executive Director

SWS/dai

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