



# OHIO STATE BOARD OF PHARMACY

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## SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-940823-011)

In the Matter of:

**EVAN R. KOLACKI, R.Ph.**

1101 Lake Washington Drive

Lawrenceville, GA 30243

(R.Ph. No. 03-3-15839)

This Settlement Agreement is entered into by and between Evan R. Kolacki 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.

Evan R. Kolacki 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.

Evan R. Kolacki is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against Evan R. Kolacki and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Evan R. Kolacki'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:

- (1) The 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.
- (2) Evan R. Kolacki was, on or about August 23, 1994, notified, pursuant to Chapter 119. of the Ohio Revised Code, by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing. Evan R. Kolacki requested a hearing, and a hearing was scheduled in accordance with Chapter 119. of the Ohio Revised Code.
- (3) Evan R. Kolacki was originally licensed to practice pharmacy in the state of Ohio on March 1, 1985, and his license was summarily suspended on August 23, 1994, pursuant to Section 3719.121(B) of the Ohio Revised Code which states in pertinent part: "The license or registration of a . . . pharmacist, . . . may be suspended without a prior hearing by the board under which he has been licensed or registered if the board determines that there is clear and convincing evidence that

continuation of his professional practice or his method of distributing controlled substances presents a danger of immediate and serious harm to others. . . .

- (4) Evan R. Kolacki is addicted to or abusing liquor or drugs or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: Evan R. Kolacki affirmed, in writing to the Ohio State Board of Pharmacy, that he voluntarily admitted himself for treatment of chemical dependency or about June 17, 1994.
- (5) Evan R. Kolacki did, on or about August 2, 1994, by agreement, sign a Private Interim Consent Order with the Georgia State Board of Pharmacy due to his chemical dependency. Evan R. Kolacki agreed not to practice pharmacy until further ordered by the Georgia State Board of Pharmacy.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Evan R. Kolacki knowingly and voluntarily agrees with the State Board of Pharmacy to the following:

- (1) Evan R. Kolacki agrees that his license to practice pharmacy in the state of Ohio shall remain suspended until his license to practice pharmacy in Georgia has been reinstated, or until further ordered by the Ohio Board of Pharmacy, whichever occurs first. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Evan R. Kolacki may not be employed by or work in a facility licensed by the Ohio Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.
- (2) Evan R. Kolacki agrees to complete a treatment program for chemical dependence acceptable to and in compliance with the Private Interim Consent Order with the Georgia Board of Pharmacy. Evan R. Kolacki shall completely abstain from the consumption of alcohol and/or controlled substances, except as prescribed by a duly licensed practitioner for a legitimate purpose.
- (3) Upon completion of therapy, Evan R. Kolacki shall enter into an aftercare program as may be recommended upon completion of the treatment phase of the program, or by further order of the Georgia Board. Evan R. Kolacki shall remain in compliance with the treatment contract and the Private Interim Consent Order with the Georgia State Board of Pharmacy.
- (4) Evan R. Kolacki agrees to undergo random alcohol/drug screening pursuant to the Private Interim Consent Order with the Georgia State Board of Pharmacy.
- (5) Evan R. Kolacki agrees that, upon reinstatement of his Georgia license, his Ohio license will be reinstated with the same conditions that the Georgia Board may deem appropriate, provided that Mr. Kolacki remains in Georgia. Evan R. Kolacki agrees to forward copies of any and all orders, actions, etc., to the Compliance Administrator, Ohio State Board of Pharmacy.
- (6) Evan R. Kolacki must inform the Ohio Board of any intentions to return to the state of Ohio to practice pharmacy. Evan R. Kolacki further agrees that if he returns to Ohio to practice pharmacy, that his identification card will be placed on probation with condition as deemed necessary, at such time, by the Ohio State Board of Pharmacy.

(7) Evan R. Kolacki must not violate the laws of the state of Ohio, any other state, or the federal government; Mr. Kolacki must abide by the rules of the State Boards of Pharmacy; and Mr. Kolacki must comply with the terms of this Agreement with the Ohio State Board of Pharmacy.

If, in the judgment of the Board, Evan R. Kolacki appears to have violated or breached any terms or conditions of this Agreement, the Ohio State Board of Pharmacy reserves the right to 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.

Evan R. Kolacki 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.

Evan R. Kolacki 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.

In the event the Board, in its discretion, does not approve this Agreement, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. Evan R. Kolacki agrees that should the Board reject this Agreement and if this case proceeds to hearing, he will assert no claim that the Board was prejudiced by its review and discussion of this Agreement or of any information relating thereto.

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 last date of signature below.

\_\_\_\_\_/s/ Evan R Kolacki\_\_\_\_\_  
Pharmacist Name, Respondent

\_\_\_\_\_/d/ 11 -10 -94\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Name, Attorney for Respondent (if applicable)

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_/s/ Ruth Plant.\_\_\_\_\_  
Ruth Plant, President, Ohio State Board of Pharmacy

\_\_\_\_\_/d/ 12 /5 /94\_\_\_\_\_  
Date of Signature

\_\_\_\_\_/s/ Robert J. McClaren\_\_\_\_\_  
Ohio Assistant Attorney General

\_\_\_\_\_/d/ 12 -5 -94\_\_\_\_\_  
Date of Signature