



# OHIO STATE BOARD OF PHARMACY

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## SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY

(Docket No. D-971201-024)

In The Matter Of:

**RICHARD FOSTER BRODERICK, R.Ph.**

1360 Yellowglen Drive

Cincinnati, Ohio 45222

(R.Ph. No. 03-3-19920)

This Settlement Agreement is entered into by and between Richard Foster Broderick 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.

Richard Foster Broderick 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.

Richard Foster Broderick is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges being filed by the Board against him and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against Richard Foster Broderick'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:

- (A) 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.
- (B) Richard Foster Broderick neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated December 1, 1997; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same:
  - (1) Records of the Board of Pharmacy indicate that Richard Foster Broderick was originally licensed in the state of Ohio on July 28, 1993, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.
  - (2) Richard Foster Broderick did, on or about the following dates, intentionally create and/or knowingly possess false or forged prescriptions, to wit: Richard Foster Broderick created and/or possessed on file at Kroger

pharmacy the following prescriptions for his brother that he knew were forged:

<u>Date</u>	<u>Rx No.</u>	<u>Drug</u>	<u>Quantity</u>
07/23/97	4420069	Xanax 0.5mg	50
07/29/97	4420069	Xanax 0.5mg	50
08/04/97	4420069	Xanax 0.5mg	50
08/09/97	4420069	Xanax 0.5mg	50
08/14/97	4420069	Xanax 0.5mg	50
08/18/97	4420658	Xanax 0.5mg	100

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (3) Richard Foster Broderick was, on or about October 16, 1997, convicted in the Clermont County Common Pleas Court of Attempted Illegal Processing of Drug Documents, a misdemeanor of the first degree.

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

- (A) Richard Foster Broderick's pharmacist identification card, No. 03-3-14453, will be placed on probation through March 21, 1999. The terms of probation are as follows:

- (1) Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of pharmacy hereby declares that Richard Foster Broderick's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns.
- (2) Richard Foster Broderick may not serve as a responsible pharmacist.
- (3) Richard Foster Broderick must take and successfully complete the jurisprudence examination offered by the Board prior to one year from the effective date of this Order. If Richard Foster Broderick has not successfully completed the examination prior that date, his license will be suspended until this condition has been achieved.
- (4) Richard Foster Broderick must not violate the drug laws of the state of Ohio, any other state, or the federal government.
- (5) Richard Foster Broderick must abide by the rules of the Ohio State Board of Pharmacy.
- (6) Richard Foster Broderick must comply with the terms of this Agreement.

For cause, the Board may at any time revoke probation, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board may revoke probation for a violation occurring during the probation period.

- (B) Richard Foster Broderick agrees to the imposition of a monetary penalty of two thousand dollars (\$2,000.00) to be paid in four installments, due on the

15th day of each month, from March, 1998, through June, 1998. Checks should be made payable to the "Treasurer, State of Ohio" and mailed with the enclosed forms to the State Board of Pharmacy, 77 South High Street, 17th Floor, Columbus, Ohio 43266-0320.

Richard Foster Broderick is hereby advised that the Board may at any time revoke probation for cause, modify the conditions of probation, and reduce or extend the period of probation. At any time during this period of probation, the Board shall revoke probation for any violation of the terms of this Agreement occurring during the probation period.

If, in the judgment of the Board, Richard Foster Broderick 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.

Richard Foster Broderick 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.

Richard Foster Broderick 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. Richard Foster Broderick waives any rights of appeal pursuant to Chapter 119. of the Ohio Revised Code.

In the event the Board, in its discretion, does not adopt this Agreement as its Adjudication, 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. Richard Foster Broderick 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 date of Board President's signature below.

/s/ Richard Foster Broderick  
Pharmacist Name, Respondent

/d/ 2-8-98  
Date of Signature

/s/ James E. Applegate 0020406  
James E. Applegate, Attorney for Respondent

/d/ 2/8/98  
Date of Signature

/s/ Amonte B. Littlejohn  
Amonte B. Littlejohn, President, Ohio State Board of Pharmacy

/d/ 2/11/98  
Date of Signature

/s/ Sally Ann Steuk  
Sally Ann Steuk, Ohio Assistant Attorney General

/d/ 2-10-98  
Date of Signature