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**Minutes Of The Meeting**  
Ohio State Board of Pharmacy  
Cambridge, Ohio  
July 12, 13, 1999

**MONDAY, JULY 12, 1999**

8:02 a.m. ROLL CALL

The State Board of Pharmacy convened in the Board Room at Salt Fork State Park Lodge, Cambridge, Ohio with the following members present:

Diane C. Adelman, R.Ph. (Vice-President); Ann D. Abele, R.Ph.; Suzanne R. Eastman, R.Ph.; Robert P. Giacalone, R.Ph.; Lawrence J. Kost, R.Ph.; and Nicholas R. Repke, Public Member.

Also present were William T. Winsley, Executive Director; Tim Benedict, Assistant Executive Director; David Rowland, Legal Affairs Administrator; Sally Ann Steuk, Assistant Attorney General; Robert Cole, Compliance Supervisor; and William McMillen, Licensing Administrator.

Vice-President Adelman administered the Oath of Office to Suzanne R. Eastman, R.Ph., Robert P. Giacalone, R.Ph., and Lawrence J. Kost, R.Ph., the three new Board members appointed by Governor Bob Taft, as follows:

As a Member of the Ohio Board of Pharmacy, I do solemnly swear to uphold the Constitution of the United States and the State of Ohio; to impartially enforce the laws governing the profession of pharmacy and the legal distribution of drugs in the State of Ohio; and carry out the responsibilities of the Board as mandated by the laws of the State of Ohio without bias or prejudice, so help me God.

**RES. 2000-001** Mr. McMillen then presented the list of candidates for licensure by reciprocity for the Board's consideration. These individuals were in attendance at the Reciprocity Hearing/-Jurisprudence Review held at the offices of the State Board of Pharmacy on July 8, 1999. Ms. Abele moved that the Board approve the following candidates for licensure. The motion was seconded by Mr. Repke and approved by the Board (Aye-6/Nay-0).

BILLINGSLEY, LEN ARBY	MICHIGAN
BIRKENHAUER, MELINDA SUE	KENTUCKY
GALE, IRENE JOAN	MINNESOTA
GALE, ROBERT NORMAN	MINNESOTA
JOHNSON, AUDRA K.	ALABAMA
SHAH, RIAN ARUN	MASSACHUSETTS
SMOOT, JENNIFER ANN	KENTUCKY
THOMAS, FRED C.	MICHIGAN
WOOD, CHRISTOPHER L.	INDIANA

**RES. 2000-002** Mr. Winsley then discussed the need for a chapter in the Administrative Code dealing with specific requirements for Emergency Medical Services. The consensus of the Board members present was that a separate Ad Hoc Committee on Rule Review should be appointed. Mr. McMillen will prepare a list of potential committee candidates for Board review at a later meeting.

**RES. 2000-003** Mr. McMillen presented an application for renewal of the pharmacist identification card of Lynn Marie Rutherford Fitzpatrick. The identification card had lapsed for more than three years and there was not clear evidence of the continual practice of pharmacy. After reviewing the documentation submitted regarding the practice activities, Ms. Abele moved that the Board approve the renewal of the identification card of Ms. Fitzpatrick. The motion was seconded by Mr. Giacalone and approved by the Board (Aye-6/Nay-0).

9:10 a.m.

The Board took a brief recess.

9:25 a.m.

The meeting resumed. Mr. Benedict reported to the Board on the meetings of the Medical Board's Prescribing Committee.

9:48 a.m.

Ms. Abele moved that the Board go into Executive Session for the purpose of the investigation of charges or complaints against licensees and registrants and for the purpose of discussing personnel matters pursuant to Section 121.22(G)(1) of the Revised Code. Mr. Repke seconded the motion. Vice-President Adelman then conducted the following roll call vote: Abele-Yes, Eastman-Yes, Giacalone-Yes, Kost-Yes, and Repke-Yes.

10:30 a.m.

The Executive Session ended and the meeting was opened to the public. The Board took a brief recess.

10:45 a.m.

Mr. McMillen discussed his licensing report with the Board, giving them the current licensing statistics and discussing general trends.

Mr. Winsley distributed copies of a Newsletter from the American Council on Pharmaceutical Education showing that the University of Toledo passed ACPE Accreditation.

11:00 a.m.

Mr. Littlejohn arrived and joined the meeting.

11:16 a.m.

Ms. Abele moved that the Board go into Executive Session for the purpose of the investigation of charges or complaints against licensees and registrants pursuant to Section 121.22(G)(1) of the Revised Code. Mr. Repke seconded the motion. Vice-President Adelman then conducted the following roll call vote: Abele-Yes, Eastman-Yes, Giacalone-Yes, Kost-Yes, Littlejohn-Yes, and Repke-Yes.

11:30 a.m.

**RES. 2000-004** The Executive Session ended and the meeting was opened to the public. Ms. Abele moved that the Board modify its Order in the matter of Jonathan Burket, R.Ph. due to the fact that, through no fault of his own, he was unable to fully comply with the terms of his Board Order of June 17, 1999. The Amended Order is to read as follows:

AMENDED ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-980618-070)

In The Matter Of:

**JONATHAN PAUL BURKET, R.Ph.**  
21 Imbler Drive  
Greenhills, Ohio 45218-1129  
(R.Ph. No. 03-3-14171)

INTRODUCTION

THE MATTER OF JONATHAN PAUL BURKET CAME TO HEARING ON MAY 4, 1999, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH J. MASLAK, R.Ph. (presiding); ANN D. ABELE,

R.Ph.; DIANE C. ADELMAN, R.Ph.; ROBERT B. CAVENDISH, R.Ph.; AMONTE B. LITTLEJOHN, R.Ph.; SUZANNE L. NEUBER, R.Ph.; RUTH A. PLANT, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER. JONATHAN PAUL BURKET WAS REPRESENTED BY TERRY TATARU, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

#### SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Michael Cluxton, Ohio State Board of Pharmacy
- (2) Christopher K. Reed, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Jeffrey Blumling, Director of Finance, Medi-Serv
- (2) Alfonso Trujillo Falla, M.D., Cincinnati, Ohio
- (3) John M. Evans, C.Ph.T., Christ Hospital Pharmacy
- (4) Jonathan Paul Burket, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of three-page Notice of Opportunity for Hearing dated June 18, 1998.
- (2) Exhibit 1A--Hearing Request letter dated July 17, 1998.
- (3) Exhibit 1B--Copy of Hearing Schedule letter dated July 20, 1998.
- (4) Exhibit 1C--Continuance Request letter dated December 7, 1998.
- (5) Exhibit 1D--Copy of Hearing Schedule letter dated December 11, 1998.
- (6) Exhibit 1E--Copy of Pharmacist File Front Sheet of Jonathan Paul Burket showing original date of registration as July 31, 1981, and two-page copy of Renewal Application for Pharmacist License, No. 03-3-14171, for a license to practice pharmacy in Ohio from September 15, 1998, to September 15, 1999, of Jonathan Paul Burket dated August 12, 1998.
- (7) Exhibit 2--Certification from the Commonwealth of Kentucky, Boone County District Court, dated September 18, 1996, and attached copied documents as follows: two-page Boone District Court docket sheet, Boone District Court, Commonwealth of Kentucky, vs. Jonathan Burket, Case No. 93-F-00535, dated from September 2, 1993, through September 21, 1995; Commonwealth of Kentucky Boone District Court Criminal Complaint, Commonwealth of Kentucky vs. Jonathan P. Burket, Case No. 93 CRM 0195, dated September 2, 1993; Commonwealth of Kentucky Order of Probation/Conditional Discharge, Commonwealth of Kentucky v. Jonathan Burkett (*sic* Burket), Case No. 93-F-00535, dated October 19, 1993; Petition to Void Conviction in the Boone District Court, Commonwealth of Kentucky vs. Jonathan Burket, File No. 93-F-00535, dated August 30, 1995; Notice of Hearing regarding a petition to be heard on September 21, 1995; and Order Granting Petition to Void Conviction in the Boone District Court, Commonwealth of Kentucky v. Jonathan Burket, File No. 93-F-00535, dated September 21, 1995.
- (8) Exhibit 2A--Certified copy of five-page Commonwealth of Kentucky, Kentucky Board of Pharmacy, in re: Jonathan P. Burket; License No. 9027, entered April 13, 1994.
- (9) Exhibit 3--Accountability Statement of Mediserv Pharmacy, Terminal Distributor No. 02-685400, for APAP/Codeine #3 dated July 29, 1996.
- (10) Exhibit 4--Accountability Statement of Mediserv Pharmacy, Terminal Distributor No. 02-685400, for Diazepam 5mg dated July 29, 1996.
- (11) Exhibit 5--Accountability Statement of Mediserv Pharmacy, Terminal Distributor No. 02-685400, for Hydrocodone 5mg/APAP 500mg dated July 29, 1996.
- (12) Exhibit 6--Accountability Statement of Mediserv Pharmacy, Terminal Distributor No. 02-685350, for Diazepam 5mg dated September 20, 1996.
- (13) Exhibit 7--Accountability Statement of Mediserv Pharmacy, Terminal Distributor No. 02-796350, for APAP/Codeine #3 dated October 16, 1996.
- (14) Exhibit 8--Accountability Statement of Mediserv Pharmacy, Terminal Distributor No. 02-796350, for APAP/Codeine #4 dated October 16, 1996.
- (15) Exhibit 9--Accountability Statement of Mediserv Pharmacy, Terminal Distributor No. 02-796350, for Hydrocodone 5mg/APAP 500mg dated October 16, 1996.

- (16) Exhibit 10--Accountability Statement of Mediserv Pharmacy, Terminal Distributor No. 02-796350, for Diazepam 5mg dated October 16, 1996.
- (17) Exhibit 11--Accountability Statement of Mediserv Pharmacy, Terminal Distributor No. 02-796350, for Diazepam 10mg dated October 16, 1996.

Respondent's Exhibits:

- (1) Exhibit A--Tabbed section covers containing copies as follows: OTR--Fifty-eight pages of weekly time sheets of Mediserv (Over the Rhine) employees dated from the week ending March 30, 1996, through the week ending September 7, 1996, for the following: Stan Abrams, Jon Burket, Loretta Englemon, Henri (Henrietta) Griffin, Monica McNear, and Joe Newmark. Reading Road--Forty-one pages of weekly time sheets of Mediserv (Reading Road) employees dated from the week ending April 6, 1996, through the week ending September 7, 1996, for the following: Stephanie Brown, Jonathan Burket, John Evans, and Stanley Abrams. Fairmount--Twenty pages of weekly time sheets of Mediserv (Fairmount) employees dated from the week ending April 6, 1996, through August 9, 1996, for the following: Stuart Graff, Monica McNear, and Denise Tolbert. Multiple--Three pages of weekly time sheets of Mediserv employees as follows: Loretta Englemon for the weeks ending April 13, 1996; April 20, 1996; May 25, 1996; and June 1, 1996; and Monica McNear for the weeks ending August 3, 1996, and August 11, 1996. Undesignated--Fifty-three pages of weekly time sheets of Mediserv employees dated from April 6, 1996, through September 7, 1996, of the following: Stanley Abrams, Loretta Englemon, John Evans, Stuart Graff, Henri Griffin, Monica McNear, Joe Newmark, Leonard S. Streicher, and Denise Tolbert.

FINDINGS OF FACT

After having heard the testimony, considered the evidence, observed the demeanor of the witnesses, and weighed their credibility, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the Board of Pharmacy indicate that Jonathan Paul Burket was originally licensed in the state of Ohio on July 31, 1981, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.
- (2) Jonathan Paul Burket was, on or about October 19, 1993, convicted in the District Court of Boone County, Kentucky, of possession of a controlled substance in violation of 218A.1404(2) of the Kentucky Revised Statutes, a Class A misdemeanor, which was "voided" under the laws of Kentucky on September 21, 1995.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes having been convicted of a misdemeanor related to, or committed in, the practice of pharmacy as provided in Division (A)(4) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

Following consideration of documentation submitted to the Board at its meeting on July 12, 1999, the Board approved adopting this Amended Order and to make null and void the Order mailed and effective on June 17, 1999, in the matter of Jonathan Paul Burket upon the effective date of this Amended Order.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Jonathan Paul Burket:

- (A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends indefinitely the pharmacist identification

card, No. 03-3-14171, held by Jonathan Paul Burket and such suspension is effective as of the date of the mailing of this Order.

- (1) Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Jonathan Paul Burket may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs while his license is under active suspension.
  - (2) Division (B) of Section 4729.16 of the Ohio Revised Code provides: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and license to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The wall certificate and identification card should be forwarded by certified mail, return receipt requested.
- (B) Further, the Board will reinstate Jonathan Paul Burket's license and place Mr. Burket's pharmacist identification card on probation for five years following the receipt of a Notice of Voluntary Dismissal of Mr. Burket's appeal filed on the Board's Order mailed and effective June 17, 1999, time-stamped by the Hamilton County Common Pleas Court, and submission of three negative urine drug screen reports in compliance with the conditions stated in paragraphs (1)(a) through (1)(c) below. Following reinstatement, the terms of probation are as follows:
- (1) The Board reserves the right to require Jonathan Paul Burket to submit to random urinalysis, at any given time during the period of probation, at Mr. Burket's expense, as follows:
    - (a) The urine sample must be observed and 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) Codeine, Hydrocodone, Diazepam, and Alcohol must be included in the standard urine drug screen. Testing for alcohol must be conducted within forty-eight hours from the time the sample is given. A breathalyzer may be used to test for alcohol, but the test must be conducted by an appropriately certified individual within twelve hours of notification.
    - (c) Results of urine screens must be negative. 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 and probation.
  - (2) Jonathan Paul Burket must submit quarterly progress reports to the Board; due January 10, April 10, July 10, and October 10, of each year of probation; that include:
    - (a) A written description of his progress and what he has been doing during the previous three months.
    - (b) The report must include employment history, any medications being taken, current residential street address, and any problems encountered during the three months immediately preceding each report.
  - (3) Jonathan Paul Burket 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 may revoke probation for a violation occurring during the probation period.

THIS AMENDED ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

The motion was seconded by Mr. Repke and approved by the Board (Aye-7/Nay-0).

The Board then discussed pending legislation and other items not requiring official action of the Board.

11:45 a.m.

Ms. Abele reported on the activities of the Nursing Board Formulary Committee. The possibility of appointing another pharmacist to the committee to replace Ms. Abele was discussed. A final determination on this issue was postponed until a later meeting.

12:00 p.m.

The meeting was recessed until Tuesday, July 13, 1999.

## **TUESDAY, JULY 13, 1999**

9:05 a.m. ROLL CALL

The State Board of Pharmacy convened in the Board Room at Salt Fork State Park Lodge, Cambridge, Ohio with the following members present:

Robert B. Cavendish, R.Ph. (President); Diane C. Adelman, R.Ph. (Vice-President); Ann D. Abele, R.Ph.; Robert P. Giacalone, R.Ph.; Lawrence J. Kost, R.Ph.; Amonte B. Littlejohn, R.Ph.; and Nicholas R. Repke, Public Member.

Ms. Abele moved that the Minutes of the June 14, 15, 16, 1999 meeting be approved as amended. The motion was seconded by Mr. Repke and approved by the Board (Aye-6/Nay-0).

**RES. 2000-005** A proposed request for reconsideration of the Attorney General's Opinion #99-006 was distributed to the Board members and discussed. The consensus of the Board was that the proposed request for reconsideration should be forwarded to the Emergency Medical Services Board for their review and then be sent to the Attorney General's Office.

**RES. 2000-006** Mr. Littlejohn moved that the Board notify the National Association of Boards of Pharmacy (NABP) that the Board has no objection to the proposed membership in NABP of the Pharmacy Board of Tasmania. The motion was seconded by Mrs. Adelman and approved by the Board (Aye-6/Nay-0).

**RES. 2000-007** Mr. Repke moved that the Board approve the attendance of Mr. Winsley and one Board member at the NABP Executive Officers Conference in Washington, D.C. on September 26-29, 1999 and that their travel and meeting time be considered work time for the Board. The motion was seconded by Mrs. Adelman and approved by the Board (Aye-6/Nay-0).

**RES. 2000-008** Board members and Board staff then spent some time developing the proposed Board meeting schedule for Fiscal Year 2001 (July 1, 2000 - June 30, 2001). The proposed schedule is as follows:

07/10/00	8am-5pm	Board Meeting
07/11/00	8am-5pm	Board Meeting
07/11/00	1pm-3pm	Reciprocity Hearing
07/12/00	8am-5pm	Board Meeting

08/07/00	8am-5pm	Board Meeting
08/08/00	8am-5pm	Board Meeting
08/08/00	1pm-3pm	Reciprocity Hearing
08/09/00	8am-5pm	Board Meeting
09/05/00	8am-5pm	Board Meeting
09/06/00	8am-5pm	Board Meeting
09/06/00	1pm-3pm	Reciprocity Hearing
09/07/00	8am-5pm	Board Meeting
10/02/00	8am-5pm	Board Meeting
10/03/00	8am-5pm	Board Meeting
10/03/00	1pm-3pm	Reciprocity Hearing
10/04/00	8am-5pm	Board Meeting
11/06/00	8am-5pm	Board Meeting
11/07/00	8am-5pm	Board Meeting
11/07/00	1pm-3pm	Reciprocity Hearing
11/08/00	8am-5pm	Board Meeting
12/11/00	8am-5pm	Board Meeting
12/11/00	1pm-3pm	Public Rules Hearing
12/12/00	8am-5pm	Board Meeting
12/12/00	1pm-3pm	Reciprocity Hearing
12/13/00	8am-5pm	Board Meeting
01/08/01	8am-5pm	Board Meeting
01/09/01	8am-5pm	Board Meeting
01/09/01	1pm-3pm	Reciprocity Hearing
01/10/01	8am-5pm	Board Meeting
02/05/01	8am-5pm	Board Meeting
02/06/01	8am-5pm	Board Meeting
02/06/01	1pm-3pm	Reciprocity Hearing
02/07/01	8am-5pm	Board Meeting
03/05/01	8am-5pm	Board Meeting
03/06/01	8am-5pm	Board Meeting
03/06/01	1pm-3pm	Reciprocity Hearing
03/07/01	8am-5pm	Board Meeting
04/02/01	8am-5pm	Board Meeting
04/03/01	8am-5pm	Board Meeting
04/03/01	1pm-3pm	Reciprocity Hearing
04/04/01	8am-5pm	Board Meeting
05/07/01	8am-5pm	Board Meeting
05/08/01	8am-5pm	Board Meeting
05/08/01	1pm-3pm	Reciprocity Hearing
05/09/01	8am-5pm	Board Meeting
06/04/01	8am-5pm	Board Meeting
06/05/01	8am-5pm	Board Meeting
06/05/01	1pm-3pm	Reciprocity Hearing
06/06/01	8am-5pm	Board Meeting

9:45 a.m.

Mr. Repke moved that the Board go into Executive Session for the purpose of the investigation of charges or complaints against licensees and registrants pursuant to Section 121.22(G)(1) of the Revised Code. Mr. Littlejohn seconded the motion. President Cavendish then conducted the following roll call vote: Abele-Yes, Adelman-Yes, Giacalone-Yes, Kost-Yes, Littlejohn-Yes, and Repke-Yes.

10:22 a.m.

**RES. 2000-009**

The Executive Session ended and the meeting was opened to the public. Ms. Abele moved that the Board summarily suspend the license of James Scott Patton, R.Ph. (03-3-22165) for the reason that there is clear and convincing evidence that the continuation of his professional practice and method of distributing controlled substances presents a danger of immediate and serious harm to others. The motion was seconded by Mr. Repke and approved by the Board (Aye-6/Nay-0).

**RES. 2000-010** Board staff reported that the following Settlement Agreement had been signed by all parties and was now effective:

SETTLEMENT AGREEMENT WITH THE STATE BOARD OF PHARMACY  
(Docket No. D-990305-036)

In The Matter Of:

**JOHN JAMES RAGAJI, R.Ph.**  
2047 Akron-Peninsula Road  
Akron, Ohio 44313  
(R.Ph. No. 03-2-15678)

This Settlement Agreement is entered into by and between John James Ragaji 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.

John James Ragaji 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.

John James Ragaji is knowingly and voluntarily acknowledging that, in order to settle the disciplinary charges that have been filed by the Board against him and in order to obviate the need to conduct an administrative hearing to consider possible disciplinary sanctions against his 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) John James Ragaji neither admits nor denies the allegations stated in the Notice; however, the Board has evidence sufficient to sustain the allegations and hereby adjudicates the same:
  - (a) Records of the Ohio State Board of Pharmacy indicate that John James Ragaji was originally licensed in the State of Ohio on August 8, 1984, pursuant to examination, and is currently licensed to practice pharmacy in the State of Ohio.
  - (b) John James Ragaji is abusing liquor or drugs and/or impaired physically or mentally to such a degree as to render him unfit to practice pharmacy, to wit: on or about June 28, 1984, in Columbus, Ohio; February 4, 1996, in Norton, Ohio; June 11, 1987, in Columbus, Ohio; and July 29, 1997, in Cuyahoga Falls, Ohio, John James Ragaji was arrested and thereafter convicted of driving under the influence of drugs and/or alcohol, in violation of Section 4511.19 of the Ohio Revised Code, misdemeanors of the first degree. Further, John James Ragaji admitted to taking Ativan .5mg, Ibuprofen, and Naprosyn from his employer to medicate himself for "hang-overs." John James Ragaji admitted that he had a problem with alcohol which, on occasion, has caused him to miss work.
  - (c) John James Ragaji did, on or about May 20, 1997, plead "no contest" to and was convicted of Aggravated Menacing, to wit: John James Ragaji left fourteen threatening phone messages on his supervisor's answering machine, in violation of Local Ordinance 537.05(A), a misdemeanor of the first degree. Village of Woodmere vs. John James Ragaji, Case No. 97-CRB-00071, Bedford Municipal Court.
  - (d) John James Ragaji did, on July 21, 1996, knowingly make a false statement with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, or registration, to wit: on his



1997 Renewal Application for Pharmacist License, John James Ragaji stated that within the previous eighteen months there were no charges pending, nor had he been convicted of a felony or misdemeanor; when, in fact, on or about March 7, 1996, John James Ragaji pled guilty to DUI. City of Norton vs. John Ragaji, Case No. 96TRD-55253. John James Ragaji was convicted of this charge on March 18, 1996, approximately four months before he submitted his license renewal application. Such conduct is in violation of Section 2921.13(A)(5) of the Ohio Revised Code.

- (e) John James Ragaji did, on August 11, 1997, knowingly make a false statement with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, or registration, to wit: on his 1998 Renewal Application for Pharmacist License, John James Ragaji stated that within the previous eighteen months, there were no charges pending, nor had he been convicted of a felony or misdemeanor. However, John James Ragaji was convicted of Aggravated Menacing on May 20, 1997, and on July 29, 1997, John James Ragaji was convicted of DUI. Less than two weeks later John James Ragaji stated on his renewal application that he had not been convicted of a misdemeanor in the last eighteen months. Such conduct is in violation of Section 2921.13(A)(5) of the Ohio Revised Code.

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

- (A) The indefinite suspension of his pharmacist identification card, No. 03-2-15678.
  - (1) Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, John James Ragaji may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs while suspended.
  - (2) Division (B) of Section 4729.16 of the Revised Code provides that: "Any individual whose identification card is ... suspended, ... shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of the notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.
- (B) The Board will consider any petition filed by John James Ragaji for a hearing, pursuant to Revised Code Chapter 119. of the Ohio Revised Code, upon the question of the reinstatement of his license to practice pharmacy in Ohio. The Board will consider the reinstatement of the license only if the following conditions have been met:
  - (1) John James Ragaji must provide documented evidence of compliance with paragraph (2) below when petitioning the Board for reinstatement.
  - (2) John James Ragaji must enter into a contract with a limited treatment provider acceptable to the Board for a period of not less than two years immediately prior to reinstatement. The contract must provide:
    - (a) Random, **observed** urine drug screens shall be conducted at least every three months.
      - (i) 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.
      - (ii) Alcohol must be added to the standard urine drug screen. Testing for alcohol must be conducted within forty-eight hours from the time the sample is given. A breathalyzer may be used to test for alco-

hol, but the test must be conducted by an appropriately certified individual within twelve hours of notification.

- (iii) Results of urine screens must be negative. 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 and probation.
  - (b) The intervener/sponsor shall provide copies of all urine screens to the Ohio Board of Pharmacy in a timely fashion.
  - (c) Regular attendance, a minimum of three times per week, at an Alcoholics Anonymous, Narcotics Anonymous, and/or similar support group meeting is required.
  - (d) The program shall immediately report to the Ohio Board of Pharmacy any violations of the contract and/or lack of cooperation.
- (3) John James Ragaji must also provide, when petitioning the Board for reinstatement, driving record(s) for each state in which he has held a driver's license.

John James Ragaji 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.

John James Ragaji 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. John James Ragaji 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. John James Ragaji 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 the Board President's signature below.

/s/ John J Ragaji  
John James Ragaji, Respondent

/d/ 6-16-99  
Date of Signature

/s/ Kurt S Siegfried  
Kurt S. Siegfried, Attorney for Respondent

/d/ 6 16 99  
Date of Signature

/s/ Robert B. Cavendish  
Joseph J. Mastak, Jr., President, Ohio State Board of Pharmacy  
Robert B. Cavendish

/d/ 7/13/99  
Date of Signature

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

/d/ 7-13-99  
Date of Signature

Assistant Attorney General Sally Ann Steuk and the Board's Legal Affairs Administrator, David L. Rowland, presented an extensive discussion on hearing procedures and legal

terminology to the Board, primarily for the benefit of the new members, but also to discuss any questions the other Board members had.

11:17 a.m.

Mr. Repke moved that the Board receive Per Diem as follows:

PER DIEM	<u>5/22-26</u>	<u>7/6</u>	<u>7/12</u>	<u>7/13</u>	<u>Total</u>
Abele	-	-	1	1	2
Adelman	-	-	1	1	2
Cavendish	-	1	-	1	2
Eastman	-	-	1	-	1
Giacalone	-	-	1	1	2
Kost	-	-	1	1	2
Littlejohn	-	-	1	1	2
Maslak	5	-	-	-	5
Neuber	-	-	-	-	0
Repke	5	-	1	1	7

The motion was seconded by Mrs. Adelman and approved by the Board (Aye-6/Nay-0).

11:19 a.m.

Mr. Repke moved that the meeting be adjourned. The motion was seconded by Mr. Littlejohn and approved (Aye-6/Nay-0).

/s/ Robert B Cavendish  
Robert B. Cavendish, President

/d/ 8/4/99  
Date

/s/ W T Winsley  
William T. Winsley, Executive Director