

DARIA A. LOY-GOTO 6175
Regulated Industries Complaints
Office
Department of Commerce and Consumer
Affairs
State of Hawaii
Leiopapa A Kamehameha Building
235 S. Beretania Street, 9th Floor
Honolulu, Hawaii 96813
Telephone: (808) 586-2660

Attorney for Department of Commerce
and Consumer Affairs

BOARD OF PHARMACY
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

In the Matter of the)	PHA 99-1-L
Pharmacist License of)	
)	SETTLEMENT AGREEMENT PRIOR
STEVEN R. BRAMLET,)	TO FILING OF PETITION FOR
)	DISCIPLINARY ACTION AND BOARD'S
Respondent.)	FINAL ORDER; EXHIBITS
)	
)	

SETTLEMENT AGREEMENT PRIOR TO FILING OF
PETITION FOR DISCIPLINARY ACTION AND BOARD'S FINAL ORDER

STEVEN R. BRAMLET, (hereinafter "Respondent"), and the
Department of Commerce and Consumer Affairs, by and through its
Regulated Industries Complaints Office (hereinafter "RICO") enter
into this Settlement Agreement as follows:

WHEREAS, RICO received a complaint that on August 5,
1998, Respondent entered into an Order with the Texas State Board
of Pharmacy (Agreed Board Order #G-97-032), suspending Respondent's
pharmacist license and limiting his right to practice in the State
of Texas. A copy of the August 5, 1998 Agreed Board Order is
attached hereto as Exhibit "A" and incorporated by reference;

DEPARTMENT OF COMMERCE
APR 4 3 57 AM '00
HEARINGS OFFICE

RECEIVED
PROF. & VOCATIONAL
LICENSING DIVISION
APR 11 10 09 AM '00
DEPT. OF COMMERCE
& CONSUMER AFFAIRS
STATE OF HAWAII

DEPARTMENT OF COMMERCE
APR 26 2 46 PM '00
HEARINGS OFFICE

WHEREAS, RICO received additional information from the Texas State Board of Pharmacy that Respondent had violated Agreed Board Order #G-97-032, and had subsequently entered into a second settlement agreement with the Texas State Board of Pharmacy, and that the terms and conditions of that subsequent settlement agreement were contained in an Order dated February 16, 2000 (Agreed Board Order #K-00-004). A copy of the February 16, 2000 Agreed Board Order is attached hereto as Exhibit "B" and incorporated by reference;

WHEREAS, Respondent failed to report either the 1998 or 2000 disciplinary actions to the State of Hawaii Board of Pharmacy;

WHEREAS, Respondent being at all times relevant herein licensed as a pharmacist by the State of Hawaii, License No. PH 1675, is subject to penalties including but not limited to, revocation, suspension or limitation of his license and fines, if the foregoing violations are proven at a hearing;

WHEREAS, Respondent's address on record with the Board of Pharmacy is [REDACTED];

WHEREAS, Respondent's last known address is [REDACTED]
[REDACTED].

WHEREAS, Respondent has been fully apprised of his right to be represented by counsel and has waived said right to counsel;

WHEREAS, Respondent has been fully apprised of his right to a hearing pursuant to HRS Chapters 91, 92 and 461 and has voluntarily elected to waive said right to a hearing;

WHEREAS, Respondent is alleged to have failed to comply with Hawaii Revised Statutes Chapters 461 and 328 and/or the rules and regulations related to the licensing of pharmacists and pharmacies; and

WHEREAS, the parties are desirous of effecting a settlement of this matter;

NOW, THEREFORE, the parties agree, subject to the approval and order of the Board of Pharmacy that:

1. The Board has jurisdiction over the subject matter filed herein and over the parties hereto.

2. Pursuant to HRS Section 91-9(d), Respondent voluntarily waives his right to a hearing and agrees to a disposition of this case pursuant to the terms and conditions of this Settlement Agreement.

3. Respondent is entering into this Settlement Agreement freely and voluntarily and under no coercion or duress, and Respondent is fully aware that in so doing, he is subject to disciplinary sanctions.

4. Respondent agrees to the voluntary revocation of his license to practice pharmacy in the State of Hawaii (license number PH 1675). Respondent may not apply for a new license until the expiration of five (5) years from the date the Board approves this Settlement Agreement: (a) Respondent shall turn in all indicia of licensure to the Board's executive officer within thirty (30) days of the date the Board approves this Settlement Agreement.

5. Respondent shall refrain from any further violation of HRS Chapters 461 and 328 and the Board's rules and regulations promulgated pursuant thereto.

6. In the event that Respondent fails to abide by the terms of the Settlement Agreement, the Board at its discretion, may pursue disciplinary action as provided by law to include further fines, revocations or suspensions of license and other sanctions as the Board may deem appropriate.

7. Respondent agrees that this Settlement Agreement shall not become binding upon any of the parties unless and until it is approved by the Board.

8. If the Board does not approve this Settlement Agreement, does not issue an order pursuant thereto or does not approve a lesser remedy but instead an administrative hearing is conducted against Respondent in its usual and customary fashion pursuant to the Administrative Procedure Act, Respondent agrees that neither he nor any attorney(s) that he may retain will raise any objection in any administrative proceeding or in any judicial action, to the Board's proceedings against him on the basis that the Board has become disqualified to consider the case because of its review and consideration of this Settlement Agreement.

9. Other than the matters specifically stated in this Settlement Agreement, neither RICO nor anyone acting on its behalf has made any representation of fact, opinion or promise to

Respondent to induce entry into this Settlement Agreement, and Respondent is not relying upon any statement, representation, opinion or promise made by RICO or any of its agents, employees, representatives or attorneys concerning the nature, extent or duration of exposure to legal liability arising from the subject matter of this Settlement Agreement or concerning any other matter.

DATED:

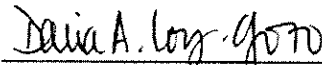
April 01, 2000



STEVEN R. BRAMLET
Respondent

DATED: Honolulu, Hawaii,

APR - 3 2000



DARIA A. LOY-GOTO
Attorney for Department of
Commerce and Consumer Affairs

IN THE MATTER OF THE PHARMACIST LICENSE OF STEVEN R. BRAMLET;
SETTLEMENT AGREEMENT PRIOR TO FILING OF PETITION FOR DISCIPLINARY
ACTION AND BOARD'S FINAL ORDER; EXHIBITS "A" AND "B"; CASE NO.
PHA 99-1-L

APPROVED AND SO ORDERED:

BOARD OF PHARMACY:
State of Hawaii

Kent Koike
KENT KOIKE, VICE CHAIR

May 18, 2000
DATE

Terri-Ann Leong
TERRI-ANN LEONG

Valerie M.K. Matsunaga
VALERIE M.K. MATSUNAGA

JASON MOON

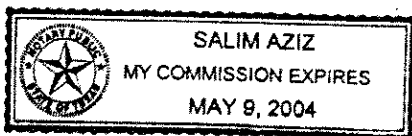
MILES T. NAKATSU

Angelina E. Ramos
ANGELINA E. RAMOS

John William Szabo
JOHN WILLIAM SZABO, CHAIR

STATE OF TEXAS)
) SS.
COUNTY OF HARRIS)

On this 18th day of April, 2000, before me personally appeared STEVEN R. BRAMLET, to me known to be the person described, and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.



Salim Aziz
Name: _____
Notary Public, State of TEXAS
My commission expires: May 9th 2004

AGREED BOARD ORDER #G-97-032

RE: IN THE MATTER OF
STEVEN ROY BRAMLET

BEFORE THE TEXAS STATE
BOARD OF PHARMACY

On this day came on to be considered by the Texas State Board of
Pharmacy the matter of pharmacist license number 23411 issued to Steven Roy
Bramlet, INFORMATION REDACTED Date of Birth:

INFORMATION REDACTED

By letter dated April 6, 1998, the Texas State Board of Pharmacy gave preliminary notice to Steven Roy Bramlet of its intent to take disciplinary action with respect to pharmacist license number 23411 issued to Steven Roy Bramlet. This action was taken as a result of an investigation which produced evidence indicating that Steven Roy Bramlet may have violated Section 26(a)(1), (2), (4), (7), (9), and (12) of the Texas Pharmacy Act, TEX. REV. CIV. STAT. ANN. art. 4542a-1 (Vernon Supp. 1998); Section 281.24(a)(4) and (13) and Section 295.3(a) of the Texas Pharmacy Rules of Procedure, TEX. ADMIN. CODE ANN. Title 22 (West 1997); and Section 481.115(a) of the Texas Controlled Substances Act, TEX. HEALTH AND SAFETY CODE ANN. (Vernon 1992), in that, allegedly:

COUNTS

- (1) On or about July 2, 1997, Steven Roy Bramlet, while acting as an employee (pharmacist-in-charge) at Apria Healthcare, Inc., 1201 West Loop North, Suite 100, Houston, Texas 77055, submitted to a drug screen urinalysis after controlled substance audit shortages were discovered during a controlled substance inventory at the pharmacy. Steven Roy Bramlet tested positive for Benzoyllecgonine (Cocaine metabolite), a Penalty Group 1 controlled substance.



- (2) The conduct described in Count (1) above constitutes probable cause that Steven Roy Bramlet has developed an incapacity of a nature that prevents a pharmacist from engaging in the practice of pharmacy with reasonable skill, competence, and safety to the public.

An informal conference was held in the office of the Texas State Board of Pharmacy on June 10, 1998, with Steven Roy Bramlet in attendance. The Texas State Board of Pharmacy was represented by: Cynthia Villarreal-Reyna, General Counsel; Mark John Connolly, Assistant General Counsel; Gay Dodson, R.Ph., Executive Director/Secretary; Carol Fisher, R.Ph., M.P.A., Director of Adjudication and Legal Support Services; James Moore, Director of Investigations; Allison Benz, R.Ph., Enforcement Officer; Milton Jez, R.Ph., Enforcement Officer; Marilyn Pearce, R.Ph., Enforcement Officer; Donna Burkett Rogers, R.Ph., Board Member; and Kali Spencer, Enforcement Officer Intern.

At the aforementioned conference, Steven Roy Bramlet waived his right to be represented by legal counsel. By his appearance at the informal conference and by his signature on this Order, Steven Roy Bramlet agrees that the Texas State Board of Pharmacy has jurisdiction in this matter, and hereby waives his right to legal counsel, to notice of hearing, to a formal administrative hearing, and to judicial review of this Order.

After discussion of the matters previously outlined in this Order, and subsequent communications, Steven Roy Bramlet agreed to the entry of an Order disposing of the need for further disciplinary action in this matter. By his signature on this Order, Steven Roy Bramlet neither admits nor denies the truth of

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the matters previously set out in this Order with respect to the above alleged violations.

Should this Order not be accepted by the Board, it is agreed that neither the presentation of the Order to the Board nor the Board's consideration of the Order, will be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, will not be grounds for precluding the Board or any individual member of the Board from further participation in proceedings related to the matters set forth in the Order.

Steven Roy Bramlet understands that any failure to comply with the terms of this Order is a basis for discipline under the Texas Pharmacy Act.

At the conclusion of the aforementioned conference, and subsequent communications, it was agreed among the parties that Steven Roy Bramlet shall comply with the requirements set forth in the ORDER OF THE BOARD below.

ORDER OF THE BOARD

THEREFORE, PREMISES CONSIDERED, the Texas State Board of Pharmacy does hereby ORDER that:

- (1) Pharmacist license number 23411 issued to Steven Roy Bramlet, be and such pharmacist license is hereby suspended until such time as written documentation is provided by a mutually acceptable mental health professional that states that Steven Roy Bramlet is not physiologically or psychologically alcohol or drug dependent, does not have an incapacity of a nature that would prevent him from engaging in the practice of pharmacy with reasonable skill, competence and safety to the public, and is able to return to the practice of pharmacy without posing a threat to himself or the public. During the period of suspension, Steven Roy Bramlet shall:

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- (a) surrender pharmacist license number 23411 and any renewal certificate and personal identification card pertaining to pharmacist license number 23411;
- (b) not practice pharmacy in any manner or be employed in any manner that would allow access to controlled substances;
- (c) participate in the Pharmacy Recovery Network of the Texas Pharmacy Association (hereinafter referred to as "PRN PROGRAM") for evaluation and chemical dependence treatment and monitoring. Participation in the PRN PROGRAM shall include entering into a contract with the PRN PROGRAM and abiding by all terms of the PRN PROGRAM contract. Failure to comply with all provisions and recommendations of the PRN Program shall constitute a violation of this Order;
- (d) authorize a mutually acceptable mental health professional (hereinafter referred to as "MHP") to furnish an initial written report, and any subsequent reports requested by the Texas State Board of Pharmacy (hereinafter referred to as the "BOARD"), to the Board and the PRN PROGRAM. The initial written report shall include an evaluation of the current status of Steven Roy Bramlet, his capacity to engage in the practice of pharmacy, and a suggested schedule of future treatment and/or after-care if necessary. Failure to comply with all recommendations of the MHP shall constitute a violation of this Order;
- (e) continue under the care of a MHP if the MHP determines further treatment and/or after-care is needed and authorize the MHP and/or representative of the after-care program to furnish written quarterly reports to the BOARD and the PRN PROGRAM concerning the conduct and status of Steven Roy Bramlet;
- (f) authorize the persons listed below to discuss and/or disclose the terms of this Order, the nature of the complaint(s) resulting in the entry of the Order, the status and conduct of Steven Roy Bramlet, and any other relevant matter, with each other:
 - ◆ staff of the Board;
 - ◆ intervenors and staff of the PRN PROGRAM;

- ◆ MHP and/or any physician (or other health-care practitioner with prescriptive authority) who is evaluating or treating (or who has evaluated or treated) Steven Roy Bramlet;
 - ◆ representative(s) of any after-care program evaluating or treating (or that has evaluated or treated) Steven Roy Bramlet; and
 - ◆ any employer; and
- (g) authorize the staff of the BOARD to discuss and/or disclose the terms of this Order, the nature of the complaint(s) resulting in the entry of the Order, the status and conduct of Steven Roy Bramlet, and any other relevant matter with potential employers of Steven Roy Bramlet, or any other person who Steven Roy Bramlet, by oral or written notification to the Board, has authorized to receive this information;
- (h) submit personal quarterly reports to the BOARD regarding employment status and rehabilitation activities; and
- (i) remain alcohol and illicit-drug free.

It is also ORDERED that:

- (2) Upon the completion of the initial suspension outlined in paragraph (1) above, pharmacist license number 23411 be, and such pharmacist license is hereby suspended for an additional period of five years. Such suspension shall be probated under the condition that Steven Roy Bramlet will comply with all terms of this Order. During the five-year probated suspension, Steven Roy Bramlet shall:
- (a) continue to participate in the PRN PROGRAM. Participation in the PRN PROGRAM shall include entering into a contract with the PRN PROGRAM and abiding by all terms of the PRN PROGRAM contract. Failure to comply with all provisions and recommendations of the PRN PROGRAM shall constitute a violation of this Order.
 - (b) continue under the care of a MHP if the MHP determines further treatment and/or after-care is needed, and authorize the mental health professional and/or representative of the after-care program to furnish written quarterly reports to the BOARD and the PRN

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PROGRAM. Within 20 days after any oral or written request of BOARD staff or the PRN PROGRAM, Steven Roy Bramlet shall obtain a current written evaluation by a mutually acceptable MHP. Failure to comply with such a request, or failure to comply with all recommendations of the MHP, shall constitute a violation of this Order.

- (c) authorize the persons listed below to discuss and/or disclose the terms of this Order, the nature of the complaint(s) resulting in the entry of the Order, the status and conduct of Steven Roy Bramlet, and any other relevant matter, with each other:
- ◆ staff of the BOARD;
 - ◆ intervenors and staff of the PRN PROGRAM;
 - ◆ MHP and/or any physician (or other health-care practitioner with prescriptive authority) who is evaluating or treating (or who has evaluated or treated) Steven Roy Bramlet;
 - ◆ representative(s) of any after-care program evaluating or treating (or that has evaluated or treated) Steven Roy Bramlet; and
 - ◆ supervising pharmacist and any employer of pharmacist; and
- (d) inform any and all physicians (or other health-care practitioners with prescriptive authority) who treat Steven Roy Bramlet for any reason or condition that Steven Roy Bramlet has a history of substance-abuse, and that Steven Roy Bramlet is the subject of this Order. Unless a medical emergency exists, Steven Roy Bramlet shall also provide a copy of this Order to any treating physician for review prior to the physician's authorization of prescription medication for Steven Roy Bramlet;
- (e) cause any treating physician (or other health-care practitioner with prescriptive authority) to provide BOARD staff, upon request, with information, including patient records, regarding prescriptions authorized for Steven Roy Bramlet. By his signature on this Order, Steven Roy Bramlet does hereby authorize any and all physicians (or other health-care practitioners with prescriptive authority) treating Steven Roy Bramlet for any reason or condition to provide

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BOARD staff with information, including patient records, regarding prescriptions authorized for Steven Roy Bramlet;

- (f) authorize the staff of the BOARD to discuss the terms of this Order, the nature of the complaint(s) resulting in the entry of the Order, the status and conduct of Steven Roy Bramlet, and any other relevant matter with potential employers of Steven Roy Bramlet, or any other person who Steven Roy Bramlet, by oral or written notification to the Board, has authorized to receive this information; and
 - (g) submit personal quarterly reports to the BOARD regarding employment status and rehabilitation activities.
- (3) In addition to the requirements outlined in Paragraph (2) above, should Steven Roy Bramlet choose to practice pharmacy in Texas or be employed in any manner that would allow access to controlled substances in Texas, it was further agreed that Steven Roy Bramlet shall:
- (a) practice pharmacy only under the supervision of a pharmacist licensed by the BOARD who meets the same qualifications required of a BOARD certified preceptor, with the level of such supervision, conditions of supervision and conditions of pharmacy practice to be determined by the staff of the BOARD, taking into account any recommendations made by the mental health professional evaluating and/or treating Steven Roy Bramlet. Failure to practice under the designated level of supervision and conditions of supervision and practice shall constitute a violation of this Order. BOARD staff may increase or decrease supervision levels by notifying Steven Roy Bramlet in writing, after considering information such as MHP recommendations, physician recommendations, or PRN PROGRAM recommendations.
 - (b) notify the BOARD of his initial place of employment in Texas and the name of his supervising pharmacist and of any subsequent change of employment or supervising pharmacist and the reasons for such change. Such notifications shall be submitted in writing to the Board's office within 10 days after the entry of this Order, and within 10 days of any subsequent employment or change of supervising pharmacist.

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- (c) authorize the supervising pharmacist to provide written quarterly reports concerning the status and conduct of Steven Roy Bramlet to the BOARD and the PRN PROGRAM;
 - (d) provide a written agreement signed by the supervising pharmacist, which states that he/she has reviewed and understands the terms of this Order and that he/she agrees to be the supervising pharmacist for Steven Roy Bramlet and that he/she agrees to provide written quarterly reports to the BOARD and the PRN PROGRAM. Such agreement shall be submitted in writing to the Board's office within 10 days after the entry of this Order, and within 10 days of any subsequent employment or change of supervising pharmacist;
 - (e) inform any and all employers that Steven Roy Bramlet is the subject of this Order; and
 - (f) not work more than fifty (50) hours per week as a pharmacist, or in employment that provides access to controlled substances.
- (4) The time period of the five-year probation under this Order shall be extended for any period of time in which Steven Roy Bramlet is not employed as a pharmacist routinely working at least 20 hours per week in the State of Texas. If Steven Roy Bramlet ceases to be employed as a pharmacist in Texas, Steven Roy Bramlet shall notify the Board within 10 days in writing of the last date he practiced pharmacy in Texas.

It is further ORDERED that Steven Roy Bramlet shall:

- (5) submit, within 24 hours, to the performance of unscheduled urinalysis or other types of drug or alcohol analysis as specified by Board staff or others authorized by Board staff, such as a mental health professional, PRN PROGRAM representative, or supervising pharmacist. Steven Roy Bramlet shall ensure that results of the analysis are received in the Board's office within seven (7) days after the request is made;
- (6) be in violation of this Order, and shall surrender pharmacist license number 23411 pending formal disciplinary action in said matter, in the event that:
 - (a) the results of the above mentioned analysis indicate the presence of alcohol or a controlled substance (unless the controlled substance was prescribed for a legitimate medical purpose by a practitioner who reviewed the terms of this Order before authorizing the prescription); and/or

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- (b) a mental health professional submits written documentation that Steven Roy Bramlet has developed an incapacity of a nature that may prevent him from engaging in the practice of pharmacy with reasonable skill, competence and safety to the public; and
- (7) authorize the PRN PROGRAM to furnish quarterly reports to the BOARD concerning the status and conduct of Steven Roy Bramlet;
- (8) not hold any of the individuals providing reports to the BOARD or PRN PROGRAM liable in any manner for the contents of such reports;
- (9) remain alcohol and illicit-drug free;
- (10) not be convicted of an alcohol-related or drug-related offense;
- (11) abide by and not violate Federal laws and laws of the State of Texas or any other state with respect to pharmacy, controlled substances, dangerous drugs and rules and regulations promulgated pursuant to the above-mentioned statutes; and
- (12) abide by and not violate the terms of this Order.

It was finally ORDERED that Steven Roy Bramlet pay a probation fee of \$1,200.00. This probation fee is due 60 days after the entry of this Order. Failure to pay the probation fee within the specified period of time constitutes a violation of this Order and shall be grounds for disciplinary action.

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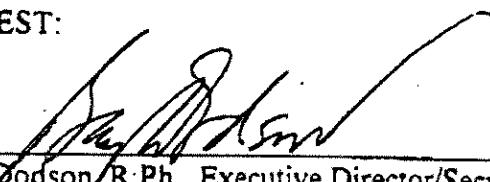
Agreed Board Order #G-97-032
Steven Roy Bramlet
Page 10

And it is so ORDERED.

SIGNED AND DATED THIS 5th day of August, 1998.

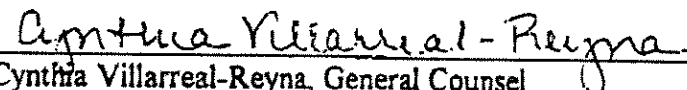

MEMBER, TEXAS STATE BOARD OF PHARMACY

ATTEST:


Gay Dodson, R.Ph., Executive Director/Secretary
Texas State Board of Pharmacy

APPROVED AS TO FORM AND AGREED TO:

 
Steven Roy Bramlet, R.Ph.
Respondent


Cynthia Villarreal-Reyna, General Counsel
Texas State Board of Pharmacy

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RE: IN THE MATTER OF
STEVEN ROY BRAMLET

BEFORE THE TEXAS STATE
BOARD OF PHARMACY

On this day came on to be considered by the Texas State Board of Pharmacy the matter
of pharmacist license number 23411 issued to Steven Roy Bramlet,

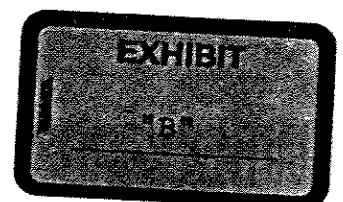
INFORMATION REDACTED

INFORMATION REDACTED

By letter dated November 19, 1999, the Texas State Board of Pharmacy gave preliminary notice to Steven Roy Bramlet of its intent to take disciplinary action with respect to pharmacist license number 23411 issued to Steven Roy Bramlet. This action was taken as a result of information received by the Board which produced evidence indicating that Steven Roy Bramlet may have violated Section 565.001(a)(1), (2), (7), and (12) of the Texas Pharmacy Act, TEX. OCC. CODE ANN. Subtitle J (Vernon 1999); and Section 281.7(19) of the Texas Pharmacy Rules of Procedure, TEX. ADMIN. CODE ANN. Title 22 (West 1999), in that, allegedly:

PREVIOUS HISTORY

- (1) On or about August 5, 1998, the Texas State Board of Pharmacy entered Agreed Board Order #G-97-032 in the matter of Steven Roy Bramlet. The Order suspended the pharmacist license held by Steven Roy Bramlet until the Board received documentation from a mental health professional that Steven Roy Bramlet was able to practice pharmacy in a competent manner. The Order was based on allegations that Steven Roy Bramlet tested positive for Benzoyllecgonine (Cocaine metabolite), a Penalty Group 1 controlled substance. Mr. Bramlet submitted to a drug screen urinalysis after controlled substance audit shortages were discovered at Apria Healthcare, Inc., 1201 West Loop North, Suite 100, where Mr. Bramlet was employed.



COUNT

On or about September 17, 1999, Steven Roy Bramlet submitted to a urine drug screen, as required by his Agreed Board Order #G-97-032. The urine sample tested positive for Cocaine (Benzoyllecgonine) metabolite, a Penalty Group 1 controlled substance, in violation of the Agreed Board Order. The Agreed Board Order required that Steven Roy Bramlet surrender his pharmacist license number 23411 pending formal disciplinary action based on the presence of a controlled substance in a urinalysis. The Agreed Board Order further provides that any failure to comply with the terms of the Order is a basis for discipline.

An informal conference was held in the office of the Texas State Board of Pharmacy on December 7, 1999, with Steven Roy Bramlet, R.Ph., in attendance. The Texas State Board of Pharmacy was represented by: Kerstin E. Arnold, General Counsel; Julie C. Hildebrand, Assistant General Counsel; Gay Dodson, R.Ph., Executive Director/Secretary; Carol Fisher, R.Ph., M.P.A., Director of Adjudication and Legal Support Services; Joe Lewis, Senior Investigator; Allison Benz, R.Ph., M.S., Senior Enforcement Officer; Milton Jez, R.Ph., Enforcement Officer; and Doyle High, R.Ph., Board Member.

At the aforementioned conference, Steven Roy Bramlet waived his right to be represented by legal counsel. By his appearance at the informal conference and by his signature on this Order, Steven Roy Bramlet agrees that the Texas State Board of Pharmacy has jurisdiction in this matter, and hereby waives his right to legal counsel, to notice of hearing, to a formal administrative hearing, and to judicial review of this Order.

After discussion of the matters previously outlined in this Order, and subsequent communications, Steven Roy Bramlet agreed to the entry of an Order disposing of the need for further disciplinary action in this matter. By his signature on this Order, Steven Roy Bramlet neither admits nor denies the truth of the matters previously set out in this Order with respect to the above alleged violations.

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Should this Order not be accepted by the Board, it is agreed that neither the presentation of the Order to the Board nor the Board's consideration of the Order, will be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, will not be grounds for precluding the Board or any individual member of the Board from further participation in proceedings related to the matters set forth in the Order.

Steven Roy Bramlet understands that any failure to comply with the terms of this Order is a basis for discipline under the Texas Pharmacy Act. The Board recognizes that Steven Roy Bramlet surrendered pharmacist license number 23411, effective November 3, 1999, pending formal disciplinary action in compliance with the terms and conditions set forth in Agreed Board Order #G-97-032.

At the conclusion of the aforementioned conference, and subsequent communications, it was agreed among the parties that Steven Roy Bramlet shall comply with the requirements set forth in the ORDER OF THE BOARD below.

ORDER OF THE BOARD

THEREFORE, PREMISES CONSIDERED, the Texas State Board of Pharmacy does hereby ORDER that:

- (1) Effective 30 days after the entry of this Order, Agreed Board Order #G-97-032, entered on August 5, 1998, shall be set aside and be of no further force and effect, and this Agreed Board Order will supercede the former Order;
- (2) Effective 30 days after the entry of this Order, pharmacist license number 23411 issued to Steven Roy Bramlet, shall continue to be suspended for the longer of 30 days or until such time as written documentation is provided by a mutually acceptable mental health professional that states that Steven Roy Bramlet is not physiologically or psychologically alcohol or drug dependent, does not have an incapacity of a nature that would prevent him from engaging in the practice of pharmacy with reasonable skill, competence and safety to the public, and is able to return to the practice of

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pharmacy without posing a threat to himself or the public. During the period of suspension, Steven Roy Bramlet shall:

- (a) not practice pharmacy in any manner or be employed in any manner that would allow access to controlled substances;
- (b) participate in the Pharmacy Recovery Network of the Texas Pharmacy Association (hereinafter referred to as "PRN PROGRAM") for evaluation and chemical dependence treatment and monitoring. Participation in the PRN PROGRAM shall include entering into a contract with the PRN PROGRAM and abiding by all terms of the PRN PROGRAM contract. Failure to comply with all provisions and recommendations of the PRN Program shall constitute a violation of this Order;
- (c) authorize a mutually acceptable mental health professional (hereinafter referred to as "MHP") to furnish an initial written report, and any subsequent reports requested by the Texas State Board of Pharmacy (hereinafter referred to as the "BOARD"), to the Board and the PRN PROGRAM. The initial written report shall include an evaluation of the current status of Steven Roy Bramlet, his capacity to engage in the practice of pharmacy, and a suggested schedule of future treatment and/or after-care if necessary. Failure to comply with all recommendations of the MHP shall constitute a violation of this Order;
- (d) continue under the care of a MHP if the MHP determines further treatment and/or after-care is needed and authorize the MHP and/or representative of the after-care program to furnish written quarterly reports to the BOARD and the PRN PROGRAM concerning the conduct and status of Steven Roy Bramlet;
- (e) authorize the persons listed below to discuss and/or disclose the terms of this Order, the nature of the complaint(s) resulting in the entry of the Order, the status and conduct of Steven Roy Bramlet, and any other relevant matter, with each other:
 - ◆ staff of the Board;
 - ◆ intervenors and staff of the PRN PROGRAM;
 - ◆ MHP and/or any physician (or other health-care practitioner with prescriptive authority) who is evaluating or treating (or who has evaluated or treated) Steven Roy Bramlet;

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- ◆ representative(s) of any after-care program evaluating or treating (or that has evaluated or treated) Steven Roy Bramlet; and
 - ◆ supervising pharmacist and any employer of pharmacist; and
- (f) authorize the staff of the BOARD to discuss and/or disclose the terms of this Order, the nature of the complaint(s) resulting in the entry of the Order, the status and conduct of Steven Roy Bramlet, and any other relevant matter with potential employers of Steven Roy Bramlet, or any other person who Steven Roy Bramlet, by oral or written notification to the Board, has authorized to receive this information;
- (g) submit personal quarterly reports to the BOARD regarding employment status and rehabilitation activities; and
- (h) remain alcohol and illicit-drug free.

It is also ORDERED that:

- (3) Upon the completion of the initial suspension outlined in paragraph (2) above, pharmacist license number 23411 be, and such pharmacist license is hereby suspended for an additional period of five years. Such suspension shall be probated under the condition that Steven Roy Bramlet will comply with all terms of this Order. During the five-year probated suspension, Steven Roy Bramlet shall:
- (a) continue to participate in the PRN PROGRAM. Participation in the PRN PROGRAM shall include entering into a contract with the PRN PROGRAM and abiding by all terms of the PRN PROGRAM contract. Failure to comply with all provisions and recommendations of the PRN PROGRAM shall constitute a violation of this Order.
 - (b) continue under the care of a MHP if the MHP determines further treatment and/or after-care is needed, and authorize the mental health professional and/or representative of the after-care program to furnish written quarterly reports to the BOARD and the PRN PROGRAM. Within 20 days after any oral or written request of BOARD staff or the PRN PROGRAM, Steven Roy Bramlet shall obtain a current written evaluation by a mutually acceptable MHP. Failure to comply with such a request, or failure to comply with all recommendations of the MHP, shall constitute a violation of this Order.
 - (c) authorize the persons listed below to discuss and/or disclose the terms of this Order, the nature of the complaint(s) resulting in the entry of the Order, the

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status and conduct of Steven Roy Bramlet, and any other relevant matter, with each other:

- ◆ staff of the BOARD;
 - ◆ intervenors and staff of the PRN PROGRAM;
 - ◆ MHP and/or any physician (or other health-care practitioner with prescriptive authority) who is evaluating or treating (or who has evaluated or treated) Steven Roy Bramlet;
 - ◆ representative(s) of any after-care program evaluating or treating (or that has evaluated or treated) Steven Roy Bramlet; and
 - ◆ supervising pharmacist and any employer of pharmacist; and
- (d) inform any and all physicians (or other health-care practitioners with prescriptive authority) who treat Steven Roy Bramlet for any reason or condition that Steven Roy Bramlet has a history of substance-abuse, and that Steven Roy Bramlet is the subject of this Order. Unless a medical emergency exists, Steven Roy Bramlet shall also provide a copy of this Order to any treating physician for review prior to the physician's authorization of prescription medication for Steven Roy Bramlet;
- (e) cause any treating physician (or other health-care practitioner with prescriptive authority) to provide BOARD staff, upon request, with information, including patient records, regarding prescriptions authorized for Steven Roy Bramlet. By his signature on this Order, Steven Roy Bramlet does hereby authorize any and all physicians (or other health-care practitioners with prescriptive authority) treating Steven Roy Bramlet for any reason or condition to provide BOARD staff with information, including patient records, regarding prescriptions authorized for Steven Roy Bramlet;
- (f) authorize the staff of the BOARD to discuss the terms of this Order, the nature of the complaint(s) resulting in the entry of the Order, the status and conduct of Steven Roy Bramlet, and any other relevant matter with potential employers of Steven Roy Bramlet, or any other person who Steven Roy Bramlet, by oral or written notification to the Board, has authorized to receive this information; and
- (g) submit personal quarterly reports to the BOARD regarding employment status and rehabilitation activities.

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- (4) In addition to the requirements outlined in Paragraph (3) above, should Steven Roy Bramlet choose to practice pharmacy in Texas or be employed in any manner that would allow access to controlled substances in Texas, it was further agreed that Steven Roy Bramlet shall:
- (a) practice pharmacy only under the supervision of a pharmacist licensed by the BOARD who meets the same qualifications required of a BOARD certified preceptor, with the level of such supervision, conditions of supervision and conditions of pharmacy practice to be determined by the staff of the BOARD, taking into account any recommendations made by the mental health professional evaluating and/or treating Steven Roy Bramlet. Failure to practice under the designated level of supervision and conditions of supervision and practice shall constitute a violation of this Order. BOARD staff may increase or decrease supervision levels by notifying Steven Roy Bramlet in writing, after considering information such as MHP recommendations, physician recommendations, or PRN PROGRAM recommendations.
 - (b) notify the BOARD of his initial place of employment in Texas and the name of his supervising pharmacist and of any subsequent change of employment or supervising pharmacist and the reasons for such change. Such notifications shall be submitted in writing to the Board's office within 10 days after the entry of this Order, and within 10 days of any subsequent employment or change of supervising pharmacist.
 - (c) authorize the supervising pharmacist to provide written quarterly reports concerning the status and conduct of Steven Roy Bramlet to the BOARD and the PRN PROGRAM;
 - (d) provide a written agreement signed by the supervising pharmacist, which states that he/she has reviewed and understands the terms of this Order and that he/she agrees to be the supervising pharmacist for Steven Roy Bramlet and that he/she agrees to provide written quarterly reports to the BOARD and the PRN PROGRAM. Such agreement shall be submitted in writing to the Board's office within 10 days after the entry of this Order, and within 10 days of any subsequent employment or change of supervising pharmacist;
 - (e) inform any and all employers that Steven Roy Bramlet is the subject of this Order; and
 - (f) not work more than fifty (50) hours per week as a pharmacist, or in employment that provides access to controlled substances.

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- (5) The time period of the five-year probation under this Order shall be extended for any period of time in which Steven Roy Bramlet is not employed as a pharmacist routinely working at least 20 hours per week in the State of Texas. If Steven Roy Bramlet ceases to be employed as a pharmacist in Texas, Steven Roy Bramlet shall notify the Board within 10 days in writing of the last date he practiced pharmacy in Texas.

It is further ORDERED that Steven Roy Bramlet shall:

- (6) submit, within 24 hours, to the performance of unscheduled urinalysis or other types of drug or alcohol analysis as specified by Board staff or others authorized by Board staff, such as a mental health professional, PRN PROGRAM representative, or supervising pharmacist;
- (7) be in violation of this Order, and shall surrender pharmacist license number 23411 pending formal disciplinary action in said matter, in the event that:
- (a) the results of the above mentioned analysis indicate the presence of alcohol or a controlled substance (unless the controlled substance was prescribed for a legitimate medical purpose by a practitioner who reviewed the terms of this Order before authorizing the prescription); and/or
- (b) a mental health professional submits written documentation that Steven Roy Bramlet has developed an incapacity of a nature that may prevent him from engaging in the practice of pharmacy with reasonable skill, competence and safety to the public; and
- (8) authorize the PRN PROGRAM to furnish quarterly reports to the BOARD concerning the status and conduct of Steven Roy Bramlet;
- (9) not hold any of the individuals providing reports to the BOARD or PRN PROGRAM liable in any manner for the contents of such reports;
- (10) remain alcohol and illicit-drug free;
- (11) not be convicted of an alcohol-related or drug-related offense;
- (12) abide by and not violate Federal laws and laws of the State of Texas or any other state with respect to pharmacy, controlled substances, dangerous drugs and rules and regulations promulgated pursuant to the above-mentioned statutes; and
- (13) abide by and not violate the terms of this Order.

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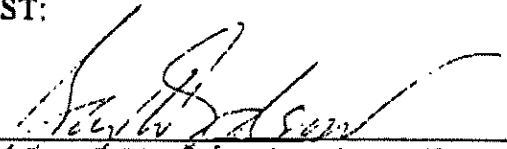
And it is so ORDERED.

SIGNED AND DATED THIS 16th day of February, 2000.



MEMBER, TEXAS STATE BOARD OF PHARMACY

ATTEST:



Gay Dodson, R.Ph., Executive Director/Secretary
Texas State Board of Pharmacy

APPROVED AS TO FORM AND AGREED TO:



Steven Roy Bramlet, R.Ph.



Kerstin E. Arnold, General Counsel
Texas State Board of Pharmacy

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