



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-921201-028)

In The Matter Of:

RICHARD V. PRYCE, JR., R.Ph.
Box 7625
Warren, Ohio 44483
(R.Ph. No. 03-1-04864)

INTRODUCTION

THE MATTER OF RICHARD V. PRYCE, JR. CAME TO HEARING ON APRIL 29, 1993, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: TIMOTHY D. MOORE, R.Ph. (presiding); ROBERT B. CAVENDISH, R.Ph.; METTA LOU HENDERSON, R.Ph.; PAUL F. LAMPING, R.Ph.; WAYNE C. MILLER, R.Ph.; RUTH A. PLANT, R.Ph.; NICHOLAS R. REPKE; JOSEPH R. SABINO, R.Ph.; AND ROBERT W. VALENTINE, R.Ph.

RICHARD V. PRYCE, JR. WAS REPRESENTED BY THOMAS C. B. LETSON, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Kartar S. Khanuja, M.D.
- (2) Richard V. Pryce, Respondent

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 - Summary Suspension Notice of Richard V. Pryce dated May 29, 1992.
- (2) Exhibit 1A - Notice of Opportunity letter to Richard V. Pryce dated December 1, 1992.
- (3) Exhibit 1B - Notice of Opportunity letter to Ellen G. Pryce dated December 1, 1992.
- (4) Exhibit 1C - Letter from Thomas C. B. Letson dated December 18, 1992; Hearing Request in Re: Richard V. Pryce, Jr., R.Ph. dated December 18, 1992; and Hearing Request in Re: Ellen G. Pryce, R.Ph. dated December 18, 1992.

- (5) Exhibit 1D - Hearing Schedule letter dated December 24, 1992.
- (6) Exhibit 2 - Pharmacist File Front sheet of Richard V. Pryce, Jr. showing original date of registration as January 23, 1951.
- (7) Exhibit 2A - Renewal Applications for Pharmacist License, No. 03-1-04864, for a license to practice pharmacy in the state of Ohio of Richard V. Pryce, Jr. from September 15, 1985, through September 15, 1992.
- (8) Exhibit 2B - Pharmacist File Front Sheet of Ellen G. Pryce showing original date of registration as January 23, 1951; and Renewal Application for Pharmacist License, No. 03-3-04863, for a license to practice pharmacy in Ohio of Ellen G. Pryce from September 15, 1992, to September 15, 1993.
- (9) Exhibit 3 - Application for Registration as a Terminal Distributor of Dangerous Drugs license of Pryce Champion Drug Store, Inc. dated November 26, 1982.
- (10) Exhibit 4 - Renewal Applications for Annual License as a Terminal Distributor of Dangerous Drugs license, No. 02-120250, of Pryce Champion Drug Store, Inc. from January 1, 1986, through December 31, 1991.
- (11) Exhibit 5 - Ohio State Board of Pharmacy Form PHA-0004, The State of Ohio Versus Richard Pryce, in the Trumbull County Court of Common Pleas, dated May 22, 1992; two-page certified Journal Entry, The State of Ohio, County of Trumbull, in the Court of Common Pleas, Case No. 92-CR-247A, of Richard V. Pryce dated May 13, 1992; copy of newspaper article from the Tribune Chronicle titled "Pharmacist gets probation, fine for refilling prescription" dated Wednesday, May 13, 1992; and copy of newspaper article from The Vindicator titled "Convicted pharmacist gets license suspended" dated May 13, 1992.
- (12) Exhibit 6 - Nine-page Dangerous Drug Distributor Inspection Report of Pryce Champion Drug Store, License No. 02-120250, signed and dated by R. V. Pryce on January 2, 1991.
- (13) Exhibit 7 - Prescription No. 11404.
- (14) Exhibit 8 - Patient Profile of Darwin Bolyard dated from January 20, 1990, through December 28, 1990.
- (15) Exhibit 9 - Two-page Statement of Dr. William M. Barba, M.D. signed and notarized on November 20, 1991.
- (16) Exhibit 10A - Nine-page Statement of Kenneth M. Overholt, Jr. signed and notarized on March 19, 1992.
- (17) Exhibit 10B - Forty-seven page Statement of Kenneth M. Overholt, Jr. signed and notarized on September 26, 1991.
- (18) Exhibit 11A - Nine-page Statement of Linda Ann Free signed and notarized on March 19, 1992.
- (19) Exhibit 11B - Forty-four page Statement of Linda A. Free signed and notarized on September 26, 1991.
- (20) Exhibit 12 - Prescription No. 439523.
- (21) Exhibit 13 - Five-page Patient Profile of Okey Jenkins dated from January 7, 1989, through December 26, 1990.
- (22) Exhibit 14 - Two-page Statement of William Barba, M.D. signed and notarized on November 20, 1991.
- (23) Exhibit 15 - Prescription No. 429894.
- (24) Exhibit 16 - Prescription No. 441106.
- (25) Exhibit 17 - Prescription No. 11186.
- (26) Exhibit 18 - Patient Profile of Ruby Potts dated from January 3, 1990, through December 26, 1990.
- (27) Exhibit 19 - Two-page Statement of James C. Peng, M.D. signed and notarized on November 5, 1991.
- (28) Exhibit 20 - Prescription No. 432503.

- (29) Exhibit 21 - Two-page Patient Profile of Glenadene Mills dated from August 2, 1989, through January 24, 1991.
- (30) Exhibit 22 - Two-page Statement of Louis A. Loria, M.D. signed and notarized on October 31, 1991.
- (31) Exhibit 23 - Prescription No. 444621.
- (32) Exhibit 24 - Prescription No. 437149.
- (33) Exhibit 25 - Four-page Patient Profile of Hayward Ross dated from January 3, 1989, through December 15, 1990.
- (34) Exhibit 26 - Two-page Statement of Cesar Lainez, M.D. signed and notarized on October 29, 1991.
- (35) Exhibit 27 - Prescription No. 447807, sealed and confidential.
- (36) Exhibit 28 - Patient Profile, sealed and confidential.
- (37) Exhibit 29 - Letter from Anthony G. Rossi Co., L.P.A., sealed and confidential.
- (38) Exhibit 30 - Prescription No. 11246.
- (39) Exhibit 31 - Patient Profile of Elizabeth Everitt dated from December 27, 1989, through September 10, 1990.
- (40) Exhibit 32 - Two-page Statement of Robert F. Naples, D.O. signed and notarized on October 29, 1991.
- (41) Exhibit 33 - Prescription No. 412850.
- (42) Exhibit 34 - Three-page Patient Profile of Al Winkelman dated from September 2, 1986, through December 21, 1990.
- (43) Exhibit 35 - Two-page Statement of Charles Chung, M.D. signed and notarized on November 5, 1991.
- (44) Exhibit 36 - Prescription No. 421757.
- (45) Exhibit 37 - Prescription No. 430625.
- (46) Exhibit 38 - Prescription No. 436333 and Prescription No. 436334.
- (47) Exhibit 39 - Prescription No. 11449.
- (48) Exhibit 40 - Prescription No. 431120.
- (49) Exhibit 41 - Eight-page Patient Profile of Mary & Harry Rhodes dated from January 31, 1989, through February 12, 1991.
- (50) Exhibit 42 - Five-page Statement of Dr. Luis Cali, M.D. signed and notarized on November 5, 1991.
- (51) Exhibit 43 - Prescription No. 437550.
- (52) Exhibit 44 - Prescription No. 437341.
- (53) Exhibit 45 - Three-page Patient Profile of Victor Salminen dated from January 8, 1990, through December 5, 1990.
- (54) Exhibit 46 - Two-page Statement of Doctor Mark Davis signed and notarized on October 29, 1991.
- (55) Exhibit 47 - Prescription No. 448462.
- (56) Exhibit 48 - Prescription No. 449258.
- (57) Exhibit 49 - Amber prescription vial, No. 449258, of patient Catherine Webster dated May 18, 1990.
- (58) Exhibit 50 - Prescription No. 429555.
- (59) Exhibit 51 - Patient Profile of Alma Burgoon dated from January 30, 1990, through December 27, 1990.
- (60) Exhibit 52 - Two-page Statement of T. W. Saboslay, M.D. signed and notarized on October 29, 1991.
- (61) Exhibit 53 - Prescription No. 439231 and Prescription No. 439232.
- (62) Exhibit 54 - Prescription No. 451590.
- (63) Exhibit 55 - Prescription No. 454331 stapled to copy of prescription number 454331 with handwritten explanation.

- (64) Exhibit 57 - Three prescriptions numbered as follows: 446942, 440461, and 11504.
- (65) Exhibit 58 - Four prescriptions numbered as follows: 11787, 11788, 11533, and 11534; and Patient Profile of Jeanette Timko dated from July 2, 1990, through May 17, 1991.
- (66) Exhibit 59 - Prescription No. 443310 and Prescription No. 417057.
- (67) Exhibit 60 - Prescription No. 440549; and three-page Patient Profile of Milford Williams dated from January 11, 1989, through November 2, 1990.
- (68) Exhibit 61 - Patient Key, sealed and confidential.

Respondent's Exhibits:

- (1) None

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 indicate that Richard V. Pryce was originally licensed in the state of Ohio on January 23, 1951, pursuant to examination, and is currently suspended from the practice of pharmacy in Ohio pursuant to the provisions of Section 3719.121 of the Ohio Revised Code. Records further indicate that during all relevant times as stated herein, though Richard V. Pryce had indicated on his renewal that he was retired, Mr. Pryce was the owner and Responsible Pharmacist pursuant to Sections 4729.55 and 4729.27 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Administrative Code at Pryce Champion Drug in Warren, Ohio.
- (2) Richard V. Pryce was, on or about May 13, 1992, convicted in the Common Pleas Court of Trumbull County, Ohio, of thirteen counts of Illegal Processing of Drug Documents in violation of Section 2925.23 of the Ohio Revised Code, felonies of the fourth degree, whereupon Mr. Pryce was given probation and fined \$19,500.00 in mandatory fines.
- (3) Richard V. Pryce as Responsible Pharmacist did, on or about January 22, 1991, and dates following, fail to respond to an administrative inspection "pink sheet," warning him of violations of the Ohio Revised Code and Ohio Administrative Code, which required his response within 20 days indicating corrective action taken.
- (4) Richard V. Pryce as Responsible Pharmacist did, on or about January 2, 1991, fail to maintain a library in Pryce Champion Drug which contained current state and federal laws for the practice of pharmacy, to wit: a current law book was not in the pharmacy. Such conduct is in violation of Rule 4729-9-02 of the Ohio Administrative Code.
- (5) Richard V. Pryce as Responsible Pharmacist did, on or about January 2, 1991, fail to maintain records of controlled substances received by Pryce Champion Drug, to wit: Richard V. Pryce failed to indicate on various DEA 222 order forms the amount of drugs received and the date received. Such conduct is in violation of Section 3719.07 of the Ohio Revised Code and Section 1305.09 of the Code of Federal Regulations.

- (6) Richard V. Pryce as Responsible Pharmacist did, on or about January 2, 1991, fail to maintain records of controlled substances received by Pryce Champion Drug, to wit: Richard V. Pryce failed to take a biennial inventory of controlled substances after the date of June 20, 1986. Such conduct is in violation of Section 3719.07 of the Ohio Revised Code and Section 1304.13 of the Code of Federal Regulations.
- (7) Richard V. Pryce as Responsible Pharmacist did, on or about January 2, 1991, and dates preceding, fail to maintain records of sales of hypodermics in an exempt log book. Such conduct is in violation of Section 3719.172 of the Ohio Revised Code.
- (8) Richard V. Pryce as Responsible Pharmacist did, on or about January 2, 1991, and dates preceding, fail to manually record the initials of the dispensing pharmacist on all new prescriptions dispensed, to wit: on many of the prescriptions maintained in Pryce Champion Drug, including those listed herein, no initials of the dispensing pharmacist were recorded. Such conduct is in violation of Rule 4729-5-17 of the Ohio Administrative Code.
- (9) Richard V. Pryce as Responsible Pharmacist did, on or about January 2, 1991, and dates preceding, fail to indicate the generic manufacturer or NDC number on generically dispensed prescriptions, to wit: on many of the prescriptions maintained in Pryce Champion Drug, including those listed herein, required generic substitution and NDC information was not recorded. Such conduct is in violation of Section 4729.38(B) of the Ohio Revised Code and Rule 4729-5-17 of the Ohio Administrative Code.
- (10) Richard V. Pryce as Responsible Pharmacist did, on or about January 2, 1991, and dates preceding, fail to indicate on prescription labels the date of dispensing and/or the name or initials of the dispensing pharmacist, to wit: on many of the prescription labels dispensed from Pryce Champion Drug, including those listed herein, required information was not recorded. Such conduct is in violation of Rule 4729-5-16 of the Ohio Administrative Code.
- (11) Richard V. Pryce as Responsible Pharmacist did, on or about January 2, 1991, and dates preceding, take telephone prescriptions and/or dispense unauthorized refills and fail to indicate on prescriptions the number of refills authorized or actually dispensed, to wit: on many of the prescriptions maintained on file at Pryce Champion Drug, including those listed herein, required refill information was not recorded. Such conduct is in violation of Rules 4729-5-17 and 4729-5-30 of the Ohio Administrative Code.
- (12) Richard V. Pryce as Responsible Pharmacist did, on or about January 2, 1991, and dates preceding, dispense drugs pursuant to telephone prescriptions and fail to indicate on each prescription the date prepared and the physician or his/her agent phoning in the information, to wit: on many of the prescriptions maintained on file at Pryce Champion Drug, including those listed herein, required refill information was not recorded. Such conduct is in violation of Rules 4729-5-17 and 4729-5-30 of the Ohio Administrative Code.

- (13) Richard V. Pryce as Responsible Pharmacist did, on or about January 2, 1991, and dates preceding, dispense controlled substances pursuant to prescriptions and fail to indicate on each prescription the date prepared, the number of refills, and the address of the patient. Such conduct is in violation of Section 3719.05(A) of the Ohio Revised Code and Rule 4729-5-30 of the Ohio Administrative Code.
- (14) Richard V. Pryce did, on or about August 22, 1990, and December 19, 1990, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on two separate occasions Richard V. Pryce sold 30 units of Ativan 1mg pursuant to false telephone prescription number 11404. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (15) Richard V. Pryce did, on or about August 22, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Richard V. Pryce created and maintained in the records of Pryce Champion Drug prescription number 11404 which was either not authorized by a practitioner or which contained refills which were not authorized by a practitioner. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (16) Richard V. Pryce did, between June 10, 1989, and April 4, 1990, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on eleven separate occasions Richard V. Pryce sold 60 units of Valium 2mg pursuant to false telephone prescription number 439523. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (17) Richard V. Pryce did, on or about June 10, 1989, intentionally make and/or knowingly possess a false or forged prescription, to wit: Richard V. Pryce created and maintained in the records of Pryce Champion Drug prescription number 439523 which was either not authorized by a practitioner or which contained refills which were not authorized by a practitioner. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (18) Richard V. Pryce did, between June 7, 1988, and June 16, 1989, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on seven separate occasions Richard V. Pryce sold 100 units of Darvocet-N 100 pursuant to false telephone prescription number 429894. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (19) Richard V. Pryce did, on or about June 7, 1988, intentionally make and/or knowingly possess a false or forged prescription, to wit: Richard V. Pryce created and maintained in the records of Pryce Champion Drug prescription number 429894 which was either not authorized by a practitioner or which contained refills which were not authorized by a practitioner. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (20) Richard V. Pryce did, between August 8, 1989, and March 16, 1990, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on five separate occasions Richard V. Pryce sold 100 units of Darvocet-N 100 pursuant to false telephone prescription number 441106. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (21) Richard V. Pryce did, on or about August 8, 1989, intentionally make and/or knowingly possess a false or forged prescription, to wit: Richard V. Pryce created and maintained in the records of Pryce Champion Drug prescription number 441106 which was either not authorized by a practitioner or which contained refills which were not authorized by a practitioner. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (22) Richard V. Pryce did, between September 10, 1990, and January 3, 1991, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on four separate occasions Richard V. Pryce sold 40 units of Valium 5mg pursuant to false telephone prescription number 11186. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (23) Richard V. Pryce did, on or about June 9, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Richard V. Pryce created and maintained in the records of Pryce Champion Drug prescription number 11186 which was either not authorized by a practitioner or which contained refills which were not authorized by a practitioner. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (24) Richard V. Pryce as Responsible Pharmacist did, between October 17, 1988, and October 20, 1989, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on five separate occasions Richard V. Pryce sold 40 units of Fiorinal 50mg pursuant to false telephone prescription number 432503. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (25) Richard V. Pryce did, on or about October 17, 1988, intentionally make and/or knowingly possess a false or forged prescription, to wit: a pharmacist under his control created and Richard V. Pryce maintained in the records of Pryce Champion Drug prescription number 432503 which was either not authorized by a practitioner or which contained refills which were not authorized by a practitioner. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (26) Richard V. Pryce did, between December 11, 1989, and August 21, 1990, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on five separate occasions Richard V. Pryce sold 40 units of Fiorinal when the prescription called for

30 units to be dispensed, and on three subsequent and separate occasions Mr. Pryce sold 40 units when there were no refills authorized, each sale being pursuant to false and forged telephone prescription number 444621. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (27) Richard V. Pryce did, on or about October, 1989, or December 11, 1989, intentionally make and/or knowingly possess a false or forged prescription, to wit: Richard V. Pryce created and maintained in the records of Pryce Champion Drug prescription number 444621 which was written by a practitioner for 30 units of Fiorinal but altered to 40 units, and which contained additional refills which were not authorized by a practitioner. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (28) Richard V. Pryce did, between March 11, 1989, and July 2, 1990, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on ten separate occasions Richard V. Pryce sold 66 units of Serax 15mg pursuant to prescription number 437149 after Richard V. Pryce had exceeded the number of refills prescribed by the practitioner. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (29) Richard V. Pryce did, between May 4, 1990, and June 9, 1990, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on three separate occasions Richard V. Pryce sold 25 units of Darvocet-N 100 pursuant to prescription number 447807 after the prescription and its one refill had expired. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (30) Richard V. Pryce did, on or about September 10, 1990, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Richard V. Pryce refilled 50 units of Darvocet-N 100 pursuant to prescription number 11246 which had no authorized refills. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (31) Richard V. Pryce did, between October 1, 1986, and November 29, 1986, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on eight separate occasions Richard V. Pryce sold 50 units of Valium 10mg pursuant to false telephone prescription number 412849. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (32) Richard V. Pryce did, on or about October 1, 1986, intentionally make and/or knowingly possess a false or forged prescription, to wit: Richard V. Pryce created and maintained in the records of Pryce Champion Drug prescription number 412849 which was either not authorized by a practitioner or which contained refills which were not authorized by a practitioner. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (33) Richard V. Pryce did, between March 17, 1987, and June 28, 1988, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on seventeen separate occasions Richard V. Pryce sold 50 units of Valium 10mg pursuant to false telephone prescription number 421757. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (34) Richard V. Pryce did, on or about March 17, 1987, intentionally make and/or knowingly possess a false or forged prescription, to wit: Richard V. Pryce created and maintained in the records of Pryce Champion Drug prescription number 421757 which was either not authorized by a practitioner or which contained refills which were not authorized by a practitioner. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (35) Richard V. Pryce did, between July 23, 1988, and January 16, 1989, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on seven separate occasions Richard V. Pryce sold 50 units of Valium 10mg pursuant to false telephone prescription number 430625. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (36) Richard V. Pryce did, on or about July 23, 1988, intentionally make and/or knowingly possess a false or forged prescription, to wit: Richard V. Pryce created and maintained in the records of Pryce Champion Drug prescription number 430625 which was either not authorized by a practitioner or which contained refills which were not authorized by a practitioner. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (37) Richard V. Pryce did, between February 13, 1989, and June 26, 1989, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on six separate occasions Richard V. Pryce sold 50 units of Valium 10mg pursuant to false telephone prescription number 436334. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (38) Richard V. Pryce did, on or about February 13, 1989, intentionally make and/or knowingly possess a false or forged prescription, to wit: Richard V. Pryce created and maintained in the records of Pryce Champion Drug prescription number 436334 which was either not authorized by a practitioner or which contained refills which were not authorized by a practitioner. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (39) Richard V. Pryce did, between August 31, 1990, and December 21, 1990, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on five separate occasions Richard V. Pryce sold 50 units of Valium 10mg pursuant to prescription number 11449, which had been written by a practitioner for 40 units with 3 refills. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

- (40) Richard V. Pryce did, on or about March 4, 1989, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Richard V. Pryce sold 60 units of Ativan 1mg pursuant to prescription number 431120 after the authorized number of refills had been previously filled. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (41) Richard V. Pryce did, on or about July 24, 1989, and again on August 15, 1989, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on two separate occasions Richard V. Pryce sold 60 units of Ativan 1mg pursuant to prescription number 437550 after the authorized number of refills had been previously filled. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (42) Richard V. Pryce did, between March 20, 1989, and February 22, 1990, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on six separate occasions Richard V. Pryce sold 60 units of Ativan 1mg pursuant to false telephone prescription number 437341. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (43) Richard V. Pryce did, on or about March 20, 1989, intentionally make and/or knowingly possess a false or forged prescription, to wit: Richard V. Pryce created and maintained in the records of Pryce Champion Drug prescription number 437341 which was either not authorized by a practitioner or which contained refills which were not authorized by a practitioner. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (44) Richard V. Pryce did, between April 16, 1990, and November 23, 1990, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: on seven separate occasions Richard V. Pryce sold 60 units of Ativan 1mg pursuant to false telephone prescription number 448462. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.
- (45) Richard V. Pryce did, on or about April 16, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Richard V. Pryce created and maintained in the records of Pryce Champion Drug prescription number 448462 which was either not authorized by a practitioner or which contained refills which were not authorized by a practitioner. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.
- (46) Richard V. Pryce did, on or about May 18, 1990, make a false or forged prescription for a dangerous drug, to wit: Richard V. Pryce created the impression that prescription number 449258 had been written for 60 units of Tolectin DS 400mg when it had been prescribed by a practitioner for 100 units. Such conduct is in violation of Section 4729.61 of the Ohio Revised Code.

- (47) Richard V. Pryce did, on or about May 18, 1988, make a false or forged prescription for a dangerous drug, to wit: Richard V. Pryce created prescription number 429555 for 30 units of Enduron 5mg with 10 refills when such had not been prescribed by a practitioner. Such conduct is in violation of Section 4729.61 of the Ohio Revised Code.
- (48) Richard V. Pryce did, on or about May 18, 1988, and on two subsequent occasions, sell to a consumer without a prescription a dangerous drug, to wit: after creating false or forged prescription number 429555, Richard V. Pryce sold 30 units of Enduron 5mg. Such conduct is in violation of Section 3715.52(L) of the Ohio Revised Code.
- (49) Richard V. Pryce did, on or about May 31, 1989, make a false or forged prescription for a dangerous drug, to wit: Richard V. Pryce created prescription number 439231 for 30 units of Enduron 5mg with 10 refills when such had not been prescribed by a practitioner. Such conduct is in violation of Section 4729.61 of the Ohio Revised Code.
- (50) Richard V. Pryce did, on or about May 31, 1989, and on seven subsequent occasions, sell to a consumer without a prescription a dangerous drug, to wit: after creating false or forged prescription number 439231, Richard V. Pryce sold 30 units of Enduron 5mg. Such conduct is in violation of Section 3715.52(L) of the Ohio Revised Code.
- (51) Richard V. Pryce did, on or about August 21, 1990, make a false or forged prescription for a dangerous drug, to wit: Richard V. Pryce created prescription number 451590 for 30 units of Enduron 5mg with 6 refills when such had not been prescribed by a practitioner. Such conduct is in violation of Section 4729.61 of the Ohio Revised Code.
- (52) Richard V. Pryce did, on or about August 21, 1990, and on four subsequent occasions, sell to a consumer without a prescription a dangerous drug, to wit: after creating false or forged prescription number 451590, Richard V. Pryce sold 30 units of Enduron 5mg. Such conduct is in violation of Section 3715.52(L) of the Ohio Revised Code.

CONCLUSIONS OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2), (14) through (47), and (49) of the Findings of Fact constitute being guilty of a felony as provided in Division (A)(1) 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 paragraphs (2), (3), and (14) through (52) of the Findings of Fact constitute being guilty of dishonesty as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (52) of the Findings of Fact constitute being guilty of unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2), and (4) through (52) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of any of the provisions of Sections 3715.52 to 3715.72 or Chapter 2925., 3719., or 4729. of the Revised Code as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

ACTION OF THE BOARD

Pursuant to Section 3719.121 of the Ohio Revised Code, the State Board of Pharmacy hereby removes the Summary Suspension Order, Docket No. D-920529-145, issued May 29, 1992.

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions in the matter of Richard V. Pryce:

(A) On the basis of the Findings of Fact and Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the identification card, No. 03-1-04864, held by Richard V. Pryce indefinitely, effective as of the date of the mailing of this Order. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Richard V. Pryce may not be employed by or work in a facility licensed by the Board of Pharmacy to possess or distribute dangerous drugs during such period of suspension.

(B) Further, 24 months after the date of the mailing of this Order, Richard V. Pryce may petition the Board to hold a Chapter 119. hearing to determine whether or not the Board will consider reinstating 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) Richard V. Pryce must take and successfully complete the Jurisprudence and Federal Drug Law examinations offered by the Board prior to petitioning for reinstatement;
- (2) Richard V. Pryce must not violate the drug laws of the state of Ohio, any other state, or the federal government;
- (3) Richard V. Pryce must abide by the rules of the State Board of Pharmacy; and
- (4) Richard V. Pryce must comply with the terms of this Order.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, suspended, or refused, shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-8/Nay-0).

MOTION CARRIED.

SO ORDERED.

RICHARD V. PRYCE, R.Ph.
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Order of the Board

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

Section 119.12 of the Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

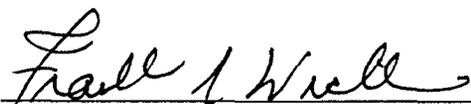
Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by the filing of a Notice of Appeal with the State Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED
AND EFFECTIVE: JULY 1, 1993

CERTIFIED MAIL
Return Receipt
#P 373 708 400

FZW/so

By 
Franklin Z. Wickham, R.Ph., M.S.
Executive Director

cc: Ronda Anderson, Assistant Attorney General
Thomas C. B. Letson, Attorney for Respondent; Letson, Griffith, Woodall &
Lavelle Co., L.P.A.; 155 South Park Avenue; P.O. Box 151; Warren, Ohio
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