



OHIO STATE BOARD OF PHARMACY

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Columbus, Ohio 43266-0320
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THE STATE BOARD OF PHARMACY
(Docket No. D-890831-023)

In The Matter Of:

EUGENE L. PRICE, R.Ph.
4212-A North 38th Street
Phoenix, Arizona 85018
(R.Ph. No. 03-2-04456)

THE MATTER OF EUGENE L. PRICE CAME ON FOR CONSIDERATION BY THE STATE BOARD OF PHARMACY ON JANUARY 26, 1990 AS A RESULT OF THE REPORT AND RECOMMENDATION SUBMITTED TO THE BOARD BY HEARING OFFICER AND BOARD MEMBER JOSEPH SABINO. FOLLOWING CONSIDERATION OF THE REPORT AND RECOMMENDATION, THE TRANSCRIPT OF THE HEARING, AND EVIDENCE ADDUCED AT THE HEARING, MOTIONS WERE MADE AND RECORDED THE FOLLOWING ORDER BE ADOPTED:

ORDER

State's Exhibits

- (1) Exhibit A - Notice of Opportunity letter dated August 31, 1989.
- (2) Exhibit B - Hearing Schedule letter dated October 5, 1989.
- (3) Exhibit 1 - Pharmacist front sheet for Eugene Louis Price showing original licensure date of November 14, 1949.
- (4) Exhibit 2 - Board Order from the Arizona State Board of Pharmacy for Eugene Louis Price dated March 6, 1978.
- (5) Exhibit 3 - Board Order from the Arizona State Board of Pharmacy for Eugene Louis Price dated March 11, 1981.
- (6) Exhibit 4 - Judgment and Probation/Commitment Order from the United States District Court for Eugene L. Price dated March 29, 1982, Docket No. CR 81-252 PHX CLH.

Respondent's Exhibits

- (1) Exhibit 1 - Letter from Eugene L. Price dated September 12, 1989.

Findings Of Fact

The State Board of Pharmacy hereby agrees with and adopts the Findings Of Fact set forth in the Report and Recommendation of Hearing Officer and Board Member Joseph Sabino, as follows:

- (1) The State Board of Pharmacy finds that on August 31, 1989, Eugene L. Price was notified by letter of his right to a hearing, his rights in such hearing, and his right to submit his contentions in writing.

- (2) The State Board of Pharmacy finds that, as demonstrated by return receipt of September 6, 1989, Eugene L. Price received the letter of August 31, 1989 informing him of the allegations and his rights.
- (3) The State Board of Pharmacy finds that Eugene L. Price submitted a letter, received September 18, 1989, setting forth his position and contentions in writing, and has not requested a hearing in this matter.
- (4) The State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Eugene L. Price was initially licensed to practice pharmacy in Ohio pursuant to examination on November 14, 1949.
- (5) The State Board of Pharmacy finds that Eugene L. Price was, on or about March 6, 1978, disciplined in the state of Arizona for numerous violations of Arizona law governing the practice of pharmacy.
- (6) The State Board of Pharmacy finds that Eugene L. Price was, on or about March 11, 1981, disciplined in the state of Arizona for numerous violations of Arizona and federal law governing the practice of pharmacy, including conduct which, if committed in Ohio, would be felony violations of aggravated trafficking in violation of Section 2925.03 of the Ohio Revised Code.
- (7) The State Board of Pharmacy finds that Eugene L. Price was, on or about March 29, 1982, convicted in the United States District Court for the District of Arizona for one felony count of Possession with Intent to Distribute Meprobamate, a Schedule IV controlled substance.

Conclusions Of Law

The State Board of Pharmacy hereby agrees with and adopts the Conclusions Of Law set forth in the Report and Recommendation of Hearing Officer and Board Member Joseph Sabino, as follows:

- (1) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (6) and (7) of the Findings Of Fact constitutes being guilty of a felony as set forth in Section 4729.16(A)(1) of the Ohio Revised Code.
- (2) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (5) through (7) of the Findings Of Fact constitutes unprofessional conduct in the practice of pharmacy as set forth in Section 4729.16(A)(2) of the Ohio Revised Code.
- (3) The State Board of Pharmacy concludes that the conduct set forth in paragraphs (5) through (7) of the Findings Of Fact constitutes willfully violating the provisions of Chapters 3719. and 4729. of the Revised Code as set forth in Section 4729.16(A)(5) of the Ohio Revised Code.

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Order of the Board

Action Of The Board

The State Board of Pharmacy hereby agrees with and adopts the recommendation for action set forth in the Report and Recommendation of Hearing Officer and Board Member Joseph Sabino. Therefore, pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy revokes the Ohio pharmacist identification card, No. 03-2-04456, held by Eugene L. Price.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, ..., 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.

MOTION CARRIED.

SO ORDERED.

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.

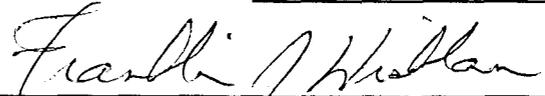
BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL
Return Receipt
#P 497 578 682

ORDER MAILED: MARCH 19, 1990

FZW/pw

By


Franklin Z. Wickham, Executive Director

cc: Steve Dlott, Assistant Attorney General