



OHIO STATE BOARD OF PHARMACY

77 S. High Street, 17th Floor  
Columbus, Ohio 43266-0320  
Telephone: 614/466-4143

Filed by  
MAY 14 1991

DATE

INITIALS

THE STATE BOARD OF PHARMACY  
(Docket No. D-910130-057)

In The Matter Of:

VINCENT RIANO, R.Ph.  
922 Suncrest  
Springfield, Ohio 45503  
(R.Ph. No. 03-2-06303)

INTRODUCTION

THE MATTER OF VINCENT RIANO CAME TO HEARING ON MARCH 7, 1991 BEFORE THE FOLLOWING MEMBERS OF THE BOARD: JOSEPH R. SABINO, R.Ph. (presiding); GERALD CLOUSE, R.Ph.; METTA LOU HENDERSON, R.Ph.; NORMAN LEIBOW, R.Ph.; TIMOTHY MOORE, R.Ph.; BETTY NICHOL, R.Ph.; AND MELVIN WILCZYNSKI, R.Ph.

VINCENT RIANO WAS REPRESENTED BY JAMES A. BERRY, AND THE STATE OF OHIO WAS REPRESENTED BY JEANNY EATON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Vincent Riano, R.Ph., Respondent
- (2) Karl A. Renner, R.Ph.

Respondent's Witnesses:

- (1) Fred Williams, Ohio State Board of Pharmacy
- (2) Vincent Riano, R.Ph., Respondent
- (3) Karl A. Renner, R.Ph.

(B) Exhibits

State's Exhibits:

- (1) Exhibit A - Notice of Opportunity letter dated January 30, 1991.
- (2) Exhibit B - Hearing Request letter dated February 25, 1991.
- (3) Exhibit C - Schedule letter dated February 27, 1991.
- (4) Exhibit 1 - Pharmacist File Front Sheet for Vincent Leonard Riano showing original date of registration as July 31, 1956.

- (5) Exhibit 2 - Renewal application for Vincent L. Riano, Pharmacist License No. 03-2-06303, to practice pharmacy in Ohio from September 15, 1990 to September 15, 1991.
- (6) Exhibit 10 - A prescription vial with a Charleston Pharmacy label containing 125 units of Noroxin 400mg.
- (7) Exhibit 11 - A prescription vial with a Charleston Pharmacy label containing 32 units of Bricanyl 2.5mg.
- (8) Exhibit 12 - A prescription vial with a Charleston Pharmacy label containing 25 units of Corgard 160mg.
- (9) Exhibit 14 - A prescription vial with a manufacturer foil label taped to the top containing 10 units of Brexin LA.
- (10) Exhibit 15 - A prescription vial with a Charleston Pharmacy label containing 20 units of Disobrom.
- (11) Exhibit 16 - A prescription vial with a Charleston Pharmacy label containing 60 units of Aldactazide.
- (12) Exhibit 18 - A prescription vial with a Charleston Pharmacy label containing 250 units of Theo-Dur 200mg.
- (13) Exhibit 19 - A prescription vial with a manufacturer label taped to vial containing 75 units of Slo-bid 50mg.
- (14) Exhibit 20 - A prescription vial containing manufacturer label and 24 units of Mono-Gesic.
- (15) Exhibit 21 - A prescription vial with a Charleston Pharmacy label containing 20 units of Achromycin 250mg.
- (16) Exhibit 22 - A prescription vial with a Charleston Pharmacy label containing 50 units of Theo-Dur 200mg.
- (17) Exhibit 23 - A prescription vial with a Charleston Pharmacy label containing 17 units of Drixoral Gen.
- (18) Exhibit 24 - A prescription vial with a Charleston Pharmacy label containing 10 units of Uniphyl 200mg.
- (19) Exhibit 27 - A prescription vial with a Charleston Pharmacy label containing 6 units of Neomycin Sulfate.
- (20) Exhibit 28 - A prescription vial with a Charleston Pharmacy label containing 40 units of SK 65.
- (21) Exhibit 29 - A prescription vial with a Charleston Pharmacy label containing 21 units of Inderal 120/50.
- (22) Exhibit 30 - A prescription vial with a small label containing 15 units of Meproamate 400mg.
- (23) Exhibit 31 - A prescription vial with a manufacturer label taped to vial containing 182 units of Glucotrol 5mg.
- (24) Exhibit 32 - A prescription vial with a Charleston Pharmacy label containing 150 units of Theo-Dur 200mg.
- (25) Exhibit 34 - A prescription vial with a Charleston Pharmacy label containing 72 units of Kaon 10meq.
- (26) Exhibit 35 - A prescription vial with a Charleston Pharmacy label containing 4 units of Neomycin Sulfate .5mg.
- (27) Exhibit 36 - A prescription vial with a Charleston Pharmacy label containing 7 units of Slow K 8meq.
- (28) Exhibit 37 - A prescription vial with a Charleston Pharmacy label containing 15 units of Slow-bid 200mg.
- (29) Exhibit 38 - A prescription vial containing manufacturer label and 42 units of Mexitil 200mg.
- (30) Exhibit 39 - A prescription vial, not labeled, containing 40 units of a white capsule with imprint "WHR 300".

- (31) Exhibit 40 - A prescription vial with a Charleston Pharmacy label containing 120 units of Theo-Dur 200mg.
- (32) Exhibit 41 - A prescription vial with a small label containing 120 units of Visken 5mg.
- (33) Exhibit 42 - A prescription vial with a Charleston Pharmacy label containing 90 units of Mycelex-G.
- (34) Exhibit 43 - A prescription vial, not labeled, containing 17 units of Bumex 2mg.
- (35) Exhibit 46 - Hand-written statement of Karl A. Renner signed by Karl A. Renner and notarized by Fred Williams on June 11, 1990.
- (36) Exhibit 47 - Hand-written statement of Vincent Riano signed by Vincent Riano, R.Ph. and notarized by Fred Williams on June 13, 1990.

Respondent's Exhibits:

- (1) Exhibit A - Letter of Appreciation to Vince Riano from Richard E. Huddleston, Madison County Sheriff Department, dated March 4, 1991.
- (2) Exhibit B - Letter from Tom Straley, R.Ph. dated March 5, 1991.
- (3) Exhibit C - Letter from Gary Lehman, President of Madison County Hospital, dated March 5, 1991.
- (4) Exhibit D - Letter from Stephen V. Saltsman, Madison County Sheriff, dated March 1, 1991.
- (5) Exhibit E - Letter from Mark Coate, M.D., Chief of Medical Staff, Madison County Hospital, dated March 4, 1991.

FINDINGS OF FACT

- (1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Vincent Riano was originally licensed in the state of Ohio on July 31, 1956, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (2) From the evidence presented, Vincent Riano did, between the approximate dates of January through June, 1990 knowingly furnish another a sample drug when this conduct was not in accordance with Chapter 3719. of the Ohio Revised Code, to wit: Vincent Riano continuously took sample drugs from his place of employment, the Madison County Hospital, and gave them to Karl Renner and/or Charleston Pharmacy when such conduct is contrary to the provisions of Section 3719.81 of the Revised Code. Such conduct is in violation of Section 2925.36 of the Ohio Revised Code.

CONCLUSION OF LAW

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraph (2) of the Findings Of Fact constitutes being guilty of willfully

violating, conspiring to violate, attempting to violate, and 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.

ORDER

Pursuant to Section 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-2-06303, held by Vincent L. Riano:

(A) On the basis of the Conclusion Of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist identification card held by Vincent L. Riano for thirty days effective September 1, 1991.

(B) On the basis of the Conclusion Of Law set forth above, the State Board of Pharmacy hereby imposes a monetary penalty of two hundred fifty dollars (\$250.00), due and owing within thirty (30) days of the issuance of this Order. The monetary penalty should be made payable to the "Treasurer, State of Ohio" and mailed to the State Board of Pharmacy, 77 S. High Street, 17th Floor, Columbus, Ohio 43266-0320, with the enclosed form.

(C) On the basis of the Conclusion Of Law set forth above, the State Board of Pharmacy hereby places the pharmacist license on probation for one year.

(D) Further, the Board will suspend the suspension imposed in paragraph (A) above on the conditions that Vincent L. Riano:

- (1) takes and successfully completes the Jurisprudence examination given by the Board in June, 1991;
- (2) abides by the rules of the State Board of Pharmacy;
- (3) does not violate the drug laws of the state of Ohio, any other state, or the federal government; and
- (4) complies with the terms of this Order.

Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Vincent Riano's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns for a period of one year.

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

MOTION CARRIED.

SO ORDERED.

VINCENT RIANO, R.Ph.  
Page Five  
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.

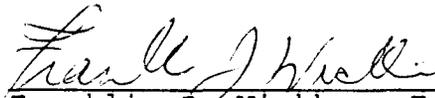
BY ORDER OF THE STATE BOARD OF PHARMACY

CERTIFIED MAIL  
Return Receipt  
# P 497 579 149

ORDER MAILED: April 30, 1991

FZW/sl

By



Franklin Z. Wickham, Executive Director

cc: Jeanny Eaton, Assistant Attorney General  
James A. Berry, Attorney for Respondent; 10 West Columbia Street;  
P.O. Box 1885; Springfield, Ohio 45501