



OHIO STATE BOARD OF PHARMACY

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D—921217—046)

In The Matter Of:
BRUCE A. RICH, R.Ph.
143 13th St. N.E.
New Philadelphia, Ohio 44663
(R.Ph. No. 03—2—08387)

INTRODUCTION

THE MATTER OF BRUCE A. RICH CAME TO HEARING ON JANUARY 26, 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; and JOSEPH R. SABINO, R. Ph.

BRUCE A. RICH WAS REPRESENTED BY JEFFREY JAKMIDES, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Bruce A. Rich, Respondent
- (2) Dr. Timothy P. Desiato, M.D.
- (3) Erica Newnham

Respondent's Witnesses:

- (1) None

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1 — Summary Suspension Notice of Bruce A. Rich dated September 22, 1992.
- (2) Exhibit 1A — Hearing Request letter dated September 25, 1992.
- (3) Exhibit 1B — Hearing Schedule letter dated October 2, 1992.
- (4) Exhibit 1C — Notice of Opportunity letter dated December 17, 1992.
- (5) Exhibit 2 — Pharmacist File Front Sheet of Bruce Anthony Rich showing original date of registration as August 16, 1965.

- (6) Exhibit 4
- (7) Exhibit 5
- (8) Exhibit 6
- (9) Exhibit 7
- (10) Exhibit 8
- (11) Exhibit 9
- (12) Exhibit 10
- (13) Exhibit 11.
- (14) Exhibit 12
- (15) Exhibit 13
- (16) Exhibit 14
- (17) Exhibit 15
- (18) Exhibit 16 — Computer printout of Pharmacist's Statement from January 1, 1991 through April 15, 1992 from Bud's Price King *2110 of Patricia Rich.
- (19) Exhibit 17 — Computer print—out of Marcs Waterloo Pharmacy, Prescription Profile for Patricia Rich from August, 1991 through April, 1992.
- (20) Exhibit 18 — Letter from Melvin T. Wilczynski dated January 11, 1993.
- (21) Exhibit 19 — Letter from Ray Lindimore dated November 24, 1992.
- (22) Exhibit 20 — Letter from Zachary T. Space dated December 1, 1992.
- (23) Exhibit 21 — Letter from Roger V. Simpson not dated.
- (24) Exhibit 22 — Letter from Virginia M. Kalejs dated January 18, 1993.
- (25) Exhibit 23 — Copy of thirty pages of records obtained from Dr. Timothy Desiato, M.D. for patient Bruce Anthony Rich dated from November 7, 1985, through February 7, 1992.

Respondent's Exhibits:

- (1) None

FINDINGS OF FACT

(1) From the evidence presented, the State Board of Pharmacy finds that records of the Board indicate that Bruce A. Rich was originally licensed in the state of Ohio on August 16, 1965, pursuant to examination; and on September 22, 1992 Bruce A. Rich's license to practice pharmacy in Ohio was summarily suspended.

(2)

(3)

(4)

(5)

CONCLUSIONS OF LAW

(1)

(2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (5) of the Findings of Fact constitute being guilty of dishonesty and unprofessional conduct in the practice of pharmacy as provided in Division (A)(2) of Section 4729.16 of the Ohio Revised Code.

(3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (5) 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—920922—024, issued September 22, 1992.

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- 08387, held by Bruce A. Rich:

(A) On the basis of paragraphs (1) and (2) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the pharmacist license held by Bruce A. Rich, effective as of the date of the mailing of this order and until September 1, 1994. Pursuant to Rule 4729—9—01(F) of the Ohio Administrative Code, Bruce Rich 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, the Board will suspend the remainder of the Suspension on September 1, 1993, or thereafter and place the license on probation until September 1, 1994, provided that Bruce Rich:

(1) takes and successfully completes the Federal Drug Law Examination (FDLE) and Jurisprudence Examination;

(2) does not violate the drug laws of the state of Ohio, any other state, or the federal government;

(3) abides by the rules of the State Board of Pharmacy; and

(4) complies with the terms of this Order.

(C) On the basis of paragraph (3) of the Conclusions of Law set forth above the State Board of Pharmacy hereby imposes a monetary penalty of one thousand five hundred dollars (\$1,500.00) 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.

Pursuant to paragraph (D)(1) of Rule 4729—3—01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Bruce A. Rich's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns effective as of the date of the mailing of this order and until September 1, 1994.

The Board further stipulates that Bruce A. Rich may not serve as a responsible pharmacist effective as of the date of the mailing of this order and until September 1, 1994.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-7/Nay-O).

MOTION CARRIED.

SO ORDERED.

ORDER MAILED AND EFFECTIVE: MARCH 15, 1993