
OHIO STATE BOARD OF PHARMACY JOURNAL

THE STATE BOARD OF PHARMACY
(Docket No. D-890807-012)

In The Matter Of:

JOHNNY P. MCBRYDE, R.Ph.
445 Deer Park Lane
Myrtle Beach, South Carolina 29577
(R.Ph. No. 03-3-14139)

THE MATTER OF JOHNNY P. MCBRYDE 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 7, 1989.
- (2) Exhibit B - Hearing Schedule letter dated September 14, 1989.
- (3) Exhibit 1 - Letter of Diligent Search by Franklin Z. Wickham, Executive Director of the Ohio Board of Pharmacy, dated October 6, 1989.
- (4) Exhibit 2 - Affidavit, Arrest Warrant, Indictment, and Sentence from the State of South Carolina, County of Horry Court on Johnny P. McBryde, dated November 15, 1988.
- (5) Exhibit 3 - Board Order from the South Carolina Board of Pharmacy dated July 25, 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 7, 1989, Johnny P. McBryde 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 August 9, 1989, Johnny P. McBryde received the letter of August 7, 1989 informing him of the allegations, and his rights.

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- (3) The State Board of Pharmacy finds that Johnny P. McBryde has not responded in any manner to the letter of August 7, 1989, 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 Johnny P. McBryde was originally licensed in Ohio pursuant to reciprocity on September 1, 1981, and his license has been lapsed since September 16, 1986.
- (5) The State Board of Pharmacy finds that Johnny P. McBryde was, on or about February 15, 1989, convicted by the Horry County, South Carolina Court, of two counts of Unlawful Dispensing of Controlled Substances.
- (6) The State Board of Pharmacy finds that Johnny P. McBryde was, on or about June 29, 1989, disciplined by the South Carolina Board of Pharmacy for having been arrested, indicted, convicted, and sentenced for violations of state and/or federal drug laws. Johnny P. McBryde's license to practice pharmacy in South Carolina has been suspended for five years.

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 (5) and (6) 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) and (6) 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.

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 suspends the pharmacist license held by Johnny P. McBryde until November 1, 1994.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is ..., suspended, ..., shall return his identification card and certificate of registration to the offices of the state board of pharmacy within

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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.