



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

September 13, 1996

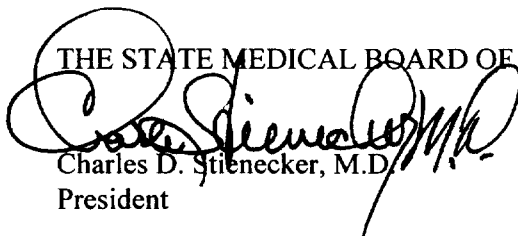
William A. Price, M.D.
860 Boardman-Canfield Road, #201
Boardman, Ohio 44512

Dear Doctor Price:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Suzanne E. Kelly, Esq., Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on September 11, 1996, including Motions approving and confirming the Findings and Fact, and the Conclusions of Law of the Hearing Examiner, and adopting an amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

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 Medical Board of Ohio, and a copy of that Notice of Appeal with the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Charles D. Stienecker, M.D.
President

TEG:em
Enclosures

CERTIFIED MAIL RECEIPT NO. P 152 983 553
RETURN RECEIPT REQUESTED

cc: Paul J. Coval, Esq.

CERTIFIED MAIL RECEIPT NO. P 152 983 554
RETURN RECEIPT REQUESTED

Mailed 9-26-96



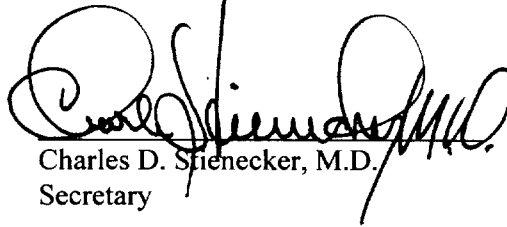
STATE MEDICAL BOARD OF OHIO

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CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; attached copy of the Report and Recommendation of Suzanne E. Kelly, Esq., Attorney Hearing Examiner, State Medical Board; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on September 11, 1996, including Motions approving and confirming the Findings of Fact, and the Conclusions of Law of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of William A. Price, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.


Charles D. Stenecker, M.D.
Secretary

(SEAL)

9/18/96
Date



STATE MEDICAL BOARD OF OHIO

17 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614 466-3934

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

WILLIAM A. PRICE, M.D.

*

ENTRY OF ORDER

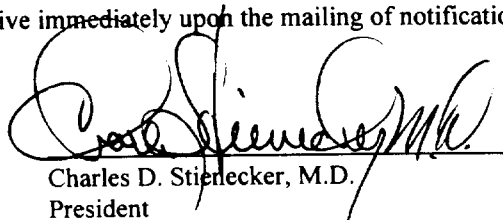
This matter came on for consideration before the State Medical Board of Ohio on the 11th day of September, 1996.

Upon the Report and Recommendation of Suzanne E. Kelly, Hearing Examiner, Medical Board, in this matter designated pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that:

1. The certificate of William A. Price, M.D., to practice medicine and surgery in the State of Ohio is hereby **SUSPENDED** for an indefinite period of time, but not less than one (1) year.
2. The State Medical Board shall not consider reinstatement of Dr. Price's certificate to practice unless and until all of the following minimum requirements are met:
 - a. Dr. Price shall submit an application for reinstatement, accompanied by appropriate fees. Dr. Price shall not make such application for at least one (1) year from the effective date of this Order.
 - b. Dr. Price shall take and pass an examination to be administered by the Board or its designee related to the content of the DEA Physician's Manual, which manual may be obtained from the offices of the State Medical Board. In the event that Dr. Price fails this examination, Dr. Price must wait one (1) month between re-examinations.
 - c. Dr. Price shall submit to the Board and receive its approval for a plan of practice in Ohio which, unless and until otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Price's activities will be directly supervised and overseen by another physician approved by the Board.
3. Upon reinstatement, Dr. Price's certificate shall be subject to the following **PROBATIONARY** terms, conditions, and limitations for a period of at least one (1) year:

- a. Dr. Price shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
 - b. Dr. Price shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution stating whether or not there has been compliance with all the provisions of probation.
 - c. Dr. Price shall appear in person for interviews before the full Board or its designated representative at three month intervals, or as otherwise requested by the Board.
 - d. In the event that Dr. Price should leave Ohio for three (3) consecutive months, or reside or practice outside the State, Dr. Price must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
 - e. Dr. Price shall not prescribe, administer, dispense, order, write orders for, give verbal orders for, or possess (except as prescribed, dispensed or administered for Dr. Price's use by another so authorized by law) any controlled substances, as defined by state or federal law, without prior approval from the Board.
 - f. Upon reinstatement of Dr. Price's controlled substance privileges pursuant to Board approval, Dr. Price shall keep a log of all controlled substances purchased, prescribed, dispensed, or administered. Such log shall be submitted in the format approved by the Board thirty (30) days prior to Dr. Price's personal appearances before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Price shall make his patient records with regard to such prescribing available for review by an agent of the State Medical Board upon request.
 - g. Dr. Price shall obtain the Board's prior approval for any alteration to the practice plan which was approved by the Board prior to the reinstatement of Dr. Price's certificate. In the event that Dr. Price's supervising physician under this practice plan becomes unable or unwilling to so serve, Dr. Price shall immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Price shall refrain from practicing unless and until such supervision is in place, unless otherwise determined by the Board.
 - h. Dr. Price shall provide a copy of this Order to all employers and the Chief of Staff at each hospital where he has, applies for, or obtains privileges.
4. Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Price's certificate will be fully restored.
 5. This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.


Charles D. Stienecker, M.D.
President

(SEAL)

9/12/96
Date

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**REPORT AND RECOMMENDATION
IN THE MATTER OF WILLIAM A. PRICE, M.D.**

The Matter of William A. Price, M.D., came on for hearing before Suzanne E. Kelly, Esq., Hearing Examiner for the State Medical Board of Ohio, on June 6, 1996.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated April 17, 1996 (State's Exhibit 1), the State Medical Board of Ohio [Board] notified William A. Price, M.D., that it intended to determine whether to discipline his certificate to practice medicine and surgery for one or more of the following reasons:

On or about March 4, 1996, in the United States District Court, Northern District of Ohio, Dr. Price pleaded guilty to and he was adjudged guilty of one (1) felony count of Distribution of a Controlled Substance, in violation of 21 U.S.C. Section 841(a)(1), by unlawfully, knowingly and intentionally distributing and dispensing controlled substances, to wit: Oxycodone/apap (Percocet), a Schedule II controlled substance, and Vicodin ES, a Schedule III controlled substance.

The Board alleged that Dr. Price's guilty plea and the judicial finding of guilt individually, and/or collectively constituted "(s)elling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, or a judicial finding of guilt of, a violation of any federal or state law regulating the possession, distribution, or use of any drug,' as those clauses are used in Section 4731.22(B)(3), Ohio Revised Code." Further, the Board alleged that Dr. Price's guilty plea and the judicial finding of guilt individually, and/or collectively constituted "(a) plea of guilty to, or a judicial finding of guilt of, a felony,' as that clause is used in Section 4731.22(B)(9), Ohio Revised Code." Moreover, the Board alleged that Dr. Price's guilty plea and the judicial finding of guilt individually, and/or collectively constituted "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any rule promulgated by the board,' as that clause is used in

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Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731-11-02(E),
Ohio Administrative Code, to wit: 21 U.S.C. Section 841.”

The Board informed Dr. Price of his right to request a hearing in this
Matter.

- B. On April 26, 1996, Paul J. Coval, Esq., submitted a written hearing
request on behalf of Dr. Price. (State's Exhibit 2)

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General,
by Rebecca J. Albers, Assistant Attorney General.
- B. On behalf of the Respondent: Paul J. Coval Esq.

EVIDENCE EXAMINED

I. Testimony Heard

- A. Presented by the State
 - 1. William A. Price, M.D., as if upon cross examination
 - 2. George Pavlich
- B. Presented by the Respondent
 - 1. William A. Price, M.D.
 - 2. Kathleen A. Garchar
 - 3. Thomas O. Rice
 - 4. David P. Schifferli
 - 5. Sheryl A. Price

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II. Exhibits Examined

In addition to State's Exhibits 1 and 2, noted above, the following exhibits were identified and admitted into evidence.

A. Presented by the State

1. State's Exhibit 3: April 29, 1996, letter to Dr. Price from the Board advising that a hearing had been set for May 13, 1996, but further advising that the hearing had been postponed pursuant to Section 119.09, Ohio Revised Code.
2. State's Exhibit 4: May 3, 1996, letter to Paul J. Coval, Esq., from the Board scheduling the hearing for June 6, 1996. (3 pp.)
3. State's Exhibit 5: Certified copy of an Information filed in the United States District Court for the Northern District of Ohio, Eastern Division, in the case of *United States of America v. William A. Price*, Case No. 4-95-CR-400.
4. State's Exhibit 6: Certified copy of a Plea Agreement filed in the United States District Court for the Northern District of Ohio, Eastern Division, in the case of *United States v. Price*, Case No. 4-95-CR-400. (6 pp.)
5. State's Exhibit 7: Certified copy of a Judgment in a Criminal Case in the United States District Court for the Northern District of Ohio, Eastern Division, in the case of *United States v. Price*, Case No. 4-95-CR-400. (5 pp.)
6. State's Exhibit 8: Copy of the April 15, 1996, Prosecutor's Reporting form filed with the State Medical Board of Ohio by Nancy Kelley, Assistant United States Attorney, for the Northern District of Ohio. (2 pp.)
7. State's Exhibit 9: Copy of Chapter 21, United States Code, Section 841. (9 pp.)
8. State's Exhibit 10: Copy of Section 2925.03, Ohio Revised Code, "Trafficking in drugs." (12 pp.)

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9. State's Exhibit 11: Summary of prescriptions and dispensings to Patients 1-3 by Dr. Price. (3 pp.) (Sealed to protect patient confidentiality)

B. Presented by the Respondent

1. Respondent's Exhibit A: Curriculum vitae of William A. Price, M.D. (15 pp.)
2. Respondent's Exhibit B1-B33: Copies of thirty-three letters written to Judge Peter Economus, United States District Court, Northern District of Ohio, Eastern Division on behalf of Dr. Price from various individuals. (42 pp.)
3. Respondent's Exhibit C: Copy of complete transcript of sentencing hearing in the case of *United States v. Price*. (20 pp.)
4. Respondent's Exhibits D-I: Letters of support for Dr. Price from members of his community. (10 pp.)

III. Post-Hearing Admissions to the Record

On the Hearing Examiner's own motion, the following exhibits are admitted to the record.

- A. Board Exhibit A: Patient Key. (Sealed to protect patient confidentiality)
- B. Board Exhibit B: Respondent's Request for Issuance of Subpoena. (2 pp.)
- C. Board Exhibit C: Subpoena Duces Tecum. (3 pp.)
- D. Board Exhibit D: State's Motion to Quash Subpoena. (8 pp.)
- E. Board Exhibit E: Excerpt from 1993 Physician's Desk Reference, 47th edition, concerning Fioricet
- F. Board Exhibit F: Excerpt from 1993 Physician's Desk Reference, 47th edition, concerning Vicodin and Vicodin ES.
- G. Board Exhibit G: Excerpt from 1993 Physician's Desk Reference, 47th edition, concerning Percocet.

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H. Board Exhibit H: Copy of Ohio Administrative code 4731-11-02(E).

PROCEDURAL MATTERS

1. The hearing record was held open in order to give the parties an opportunity to submit amendments to their exhibits as follows:
 - a. Respondent agreed to amend Respondent's Exhibit C, an excerpt from a sentencing transcript, by submitting the entire sentencing transcript. The Hearing Examiner received this amended exhibit on June 7, 1996.
 - b. Respondent and the State agreed to redact certain portions of the State's Exhibit 11. (Transcript [Tr.] 126, 134-138) The Hearing Examiner received the corrected State's Exhibit 11 on June 18, 1996. The record closed on that date.
2. The individuals who received prescriptions from Dr. Price are designated in the Patient Key, Board Exhibit A. The State objected to the use of the term "Patient" to describe these individuals because, in the State's opinion, these individuals did not have a patient-physician relationship with the Respondent. Although the objection was noted, the purpose of assigning numbers to individuals is merely identification, not to designate of the nature of the relationship. (Tr. 7-9)
3. The Pharmacy Board of Ohio filed a motion to quash Respondent's subpoena that requested investigatory files regarding Patient 1, Dr. Price, and a Rite Aid Pharmacy. At hearing, the parties agreed to use the files only if the Pharmacy Board Investigator referred to them. No reference was made to these files. Therefore, the motion to quash became moot. (Board Exhibits B-D; Tr. 12-15)

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

1. William A. Price, M.D., participated in a joint undergraduate and graduate degree program through Kent State University and the Northeastern Ohio University College of Medicine. He earned both his Bachelor of Science and Medical Degree in 1983. Dr. Price interned at the Western Psychiatric

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Institute and Clinic, University Health Center of Pittsburgh for two years. From 1985 through 1987, Dr. Price completed his residency in psychiatry at the Northeastern Ohio University, College of Medicine. In 1990, Dr. Price received his certification from the American Board of Psychiatry and Neurology. Dr. Price provided an extensive list of his honors, publications, and presentations. (Respondent's Exhibit [Res. Ex.] A; Tr. 32-33, 67-70)

2. Dr. Price operated a private practice in Boardman, Ohio. His patients ranged in age from children to senior citizens. In addition to this practice, Dr. Price provided on-site services for the mentally retarded/ developmentally disabled and for several nursing homes. Dr. Price explained that he employed or worked with a core group of psychologists and therapists. Together they incorporated medication and therapy to assist patients. Dr. Price estimated that he worked "six or seven days a week, 10 to 12 hours a day. I was easily seeing...25 to 30 clients a day." Dr. Price merged his private practice with PsyCare, a medical corporation, in 1992. (Tr. 33-34, 66, 141-149)
3. In approximately 1988, Patient 2 began working as a counselor at Dr. Price's practice. Through social functions, Dr. Price grew close to Patient 2 and her husband, Patient 1. Dr. Price considered Patients 1 and 2 as "dear friends." Dr. Price testified that, in May 1992, Patient 2 began to complain of migraine headaches which affected her ability to work. One of the precipitating events for these headaches was the lingering death of Patient 1's father. Dr. Price testified that he began prescribing Fioricet for Patient 2 on May 6, 1992. Fioricet, containing butalbital, acetaminophen, and caffeine, is indicated for the relief of the symptom complex of tension headache. Fioricet is available only through a prescription, but is not a schedule drug. (State's Exhibit [St. Ex.] 11; Board Exhibit [Bd. Ex.] E; Tr. 26-28, 37-41, 63-67)

Dr. Price admitted that he did not conduct a physical examination of, nor did he establish a patient record for, Patient 2. Dr. Price testified that he took an oral medical history from Patient 2, but made no record of it. Between May 1992 and June 25, 1994, Dr. Price wrote 41 prescriptions for Fioricet, totaling 3,795 tablets, for Patient 2. From January 1993 through June 1994, Dr. Price also wrote seven prescriptions for Vicodin ES, totaling 592 tablets; and one prescription for Percocet, totaling 60 tablets, for Patient 2. Vicodin ES contains hydrocodone bitartrate and acetaminophen. It is a schedule III drug. Percocet contains oxycodone and acetaminophen. It is a schedule II drug. Dr. Price wrote his last prescription for Patient 2 on June 25, 1994. The prescription was for Fioricet. (St. Ex. 11; Bd. Exs. E, F & G; Tr. 26-28, 37-41, 63-67)

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4. Dr. Price testified that, in 1992, Patient 1 was involved in an automobile accident. Dr. Price saw Patient 1 wearing a cervical collar when Patient 1 visited Patient 2 at work. Sometime after the accident, Patient 1 asked Dr. Price for informal medical advice to relieve his pain. Dr. Price did not provide testimony regarding the source of Patient 1's pain. Dr. Price recommended chiropractic treatment, encouraged him to obtain a TENS unit, and prescribed Zostrix-HP cream for pain relief. Dr. Price did not refer Patient 1 back to his treating physician. Dr. Price did not review any x-rays, took only an oral medical history, and kept no patient records concerning Patient 1. (St. Ex. 11; Tr. 38-39, 62-63)

Dr. Price testified that Patient 1 denied obtaining any pain relief from following Dr. Price's advice. Dr. Price also stated that Patient 1 denied receiving pain relief from nonsteroidal anti-inflammatory agents. At Patient 1's request, Dr. Price began prescribing controlled substances for him in August 1992. Dr. Price testified that Patient 1 would call the office to determine the day's patient load. Patient 1 would select Dr. Price's busiest days to visit without an appointment. At the end of a casual conversation, Patient 1 would complain of pain and ask for a refill. Harried, Dr. Price testified that he would write the prescriptions. Initially, Dr. Price wrote small prescriptions for Vicodin, 30 to 60 tablets once a month, for a total of 240 tablets, between August and December 1992. Dr. Price then prescribed Percocet beginning in January 1993. These prescriptions were usually for 100 to 120 tablets. For the first five months, Dr. Price wrote three prescriptions to Patient 1. However, in June 1993, Dr. Price began writing prescriptions more frequently and for larger amounts. From June 13, 1993, until June 10, 1994, Dr. Price wrote twenty-one prescriptions, totaling 2,769 tablets of Percocet, for Patient 1. (St. Ex. 11; Tr. 38-41)

5. Dr. Price testified that in January 1994, Patient 1 told Dr. Price that his mother, Patient 3, suffered from arthritis. Dr. Price testified that Patient 1 had revealed to Dr. Price that Patient 1 had given Patient 3 one of his Percocets. Patient 1 told Dr. Price that the Percocet helped Patient 3. At Patient 1's request, Dr. Price agreed to prescribe for Patient 3. Dr. Price never saw or spoke to Patient 3. He kept no medical records and received no medical history for Patient 3. From January to May 1994, Dr. Price wrote four prescriptions of Percocet, totaling 420 tablets, for Patient 3. (St. Ex. 11; Tr. 42-44)
6. In June 1994, George Pavlich, an investigator from the State of Ohio Pharmacy Board, discovered suspicious prescriptions written by Dr. Price for Patients 1-3 at a pharmacy Mr. Pavlich was investigating. Mr. Pavlich found

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the prescriptions for Patients 1-3 to be notable for two reasons. First, the prescriptions overlapped in time and amount. Second, Mr. Pavlich found it unusual, in his experience, for a psychiatrist to write exclusively prescriptions for pain medications for a patient. Mr. Pavlich arranged a meeting between himself, Dr. Price, and Officer Tom Malone, a police officer assigned to the Mahoning County Drug Task Force, to be held at Dr. Price's office. (St. Ex. 11; Tr. 88-89)

7. At the meeting on June 21, 1994, Mr. Pavlich gave the original prescriptions for Patients 1-3 to Dr. Price. Mr. Pavlich explained to Dr. Price that Patient 1 was under investigation. Mr. Pavlich requested that Dr. Price review the prescriptions against his records to verify whether he wrote them. Mr. Pavlich testified that Dr. Price looked flustered when he reviewed the prescriptions. Dr. Price stated that he had no records for Patients 1-3. Dr. Price stated that Patients 1 and 2 were his very good friends, and that Patient 2 worked for him. Dr. Price stated that he wrote one prescription per month for Percocet, 100 to 120 tablets, for Patient 1. Mr. Pavlich realized from his investigation of the pharmacy that Dr. Price's estimate of the amount prescribed to Patient 1 was inaccurate. Mr. Pavlich requested that Dr. Price write a statement regarding his involvement with Patients 1-3. Dr. Price retained the prescriptions to assist him. Mr. Pavlich testified that Dr. Price stated that Patient 1 had a drug dependency problem. At hearing, Dr. Price denied making this statement. (St. Ex. 11; Tr. 29, 89-93, 98-99)
8. Dr. Price testified that Patient 1 returned to his office a few days after Mr. Pavlich's visit. Dr. Price did not know what to do when Patient 1 requested another prescription for Percocet. In a panic, Dr. Price wrote a prescription for Fioricet to get rid of him. However, the records reveal that the prescription written by Dr. Price was for Patient 2, not Patient 1. (St. Ex. 11; Tr. 72-76)
9. On July 14, 1994, Mr. Pavlich gave Dr. Price additional prescriptions obtained from other area pharmacies to include in Dr. Price's statement regarding Patients 1-3. Dr. Price retained these original prescriptions for approximately six weeks. At all times, Mr. Pavlich informed Dr. Price that the focus of the investigation was Patient 1. Dr. Price did not have legal counsel at the June or July meeting. (Tr. 44-45, 73, 86, 88-91, 97-98, 100; 126-127, 130-132)
10. On August 10, 1994, Mr. Pavlich met with Mr. Malone, Dr. Price, and his two attorneys. Although Dr. Price indicated his willingness to give a statement regarding the prescriptions to Patients 1-3, his attorneys refused to allow him to do so. The attorneys requested that Mr. Pavlich sign a form granting

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Dr. Price immunity from any local, state or federal prosecution. Mr. Pavlich agreed to sign a form to be prepared at a later date, but informed the attorneys that he could not bind other agencies and investigators. Mr. Pavlich did not inform the attorneys that Dr. Price was the primary subject of his investigation. Mr. Pavlich admitted that this was a stalling tactic and described it as an appropriate police investigatory technique. (Tr. 100-104, 108-110, 127-128)

11. Mr. Pavlich brought his case to the United States Attorney in the Northern District of Ohio, Eastern Division. Mr. Pavlich chose the federal forum because he felt that the relationship between Dr. Price's attorney, a part-time prosecutor for Mahoning County, and the Mahoning County prosecutor was too close. No charges were brought against Patients 1 through 3. (Tr. 110, 112-116, 128)
12. The United States Attorney obtained an information against Dr. Price that charged:

From approximately May 6, 1992, until on or about June 25, 1994, ...William A. Price, did unlawfully, knowingly and intentionally distribute and dispense controlled substances, to-wit: Oxycodone/apa (Percocet), a Schedule II controlled substance and Vicodin (sic) ES, a Schedule III controlled substance; in violation of Title 21, Section 841(a)(1), United States Code.

(St. Exs. 5 & 9; Tr. 104-105)

13. On December 11, 1995, Dr. Price entered into a plea agreement with the Assistant United States Attorney. Dr. Price pleaded guilty to "possession with intent to distribute and/or distribution of Percocet and Vicodin." Dr. Price acknowledged that the maximum penalty for a violation of Title 21, Section 841(a)(1) and (b)(1)(c), United States Code is 20 years imprisonment, a \$1,000,000.00 fine, and at least three years of supervised release. Dr. Price also agreed to voluntarily surrender his DEA license and his Medicaid Provider Agreement. (St. Exs. 6 & 9; Tr. 105)
14. On March 4, 1996, United States District Judge Peter C. Economus sentenced Dr. Price. Prior to sentencing, Judge Economus noted that federal sentencing guidelines restrained him from considering probation for Dr. Price. Judge Economus stated, "that Dr. Price is a dedicated psychiatrist, not only to his patients...but I noted he gave much of his time to serve the needs of the mentally retarded and the

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developmentally disabled citizens in our community." Further, Judge Economus stated that Dr. Price did not receive payment for the prescriptions written to Patients 1-3. However, Judge Economus reminded Dr. Price that he had used poor judgment. (Res. Ex. C at 12-13)

15. The judge sentenced Dr. Price to the minimum term of five months imprisonment at the Mahoning County Community Corrections Association. Immediately following Dr. Price's release from prison, he must participate in the home confinement program with electronic monitoring for a period of five months. Following Dr. Price's release from home confinement, he will be placed on supervised release for a term of three years. Finally, the judge required Dr. Price to pay a fine of \$3,000.00 during his period of supervised release. Dr. Price entered the Mahoning County Community Corrections Facility to serve his sentence. Dr. Price estimates that he will be released sometime in August 1996. Counsel arranged for Dr. Price's appearance at the hearing. (St. Ex. 7; Res. Ex. C; Tr. 71-72)
16. On April 15, 1996, Nancy Kelley, the Assistant United States Attorney, filed a prosecutor's reporting form with the Board. Ms. Kelley informed the Board that Dr. Price had pleaded guilty to Title 21, Section 841(a)(1), United States Code. (St. Exs. 7 & 8)
17. The pertinent portion of the Ohio Administrative Code, Rule 4731-11-02(E) provides: "A physician shall obey all applicable provisions...of federal law governing the possession, distribution, or use of controlled substances." (Bd. Ex. H)
18. Thirty-three of the 130 letters submitted to the federal court on behalf of Dr. Price were submitted at hearing. The State's representative did not have an opportunity to cross-examine the writers of these letters. Patients and community members submitted six letters to the Board. The State's representative did not have an opportunity to cross-examine three of these writers. These letters stressed the importance of Dr. Price to the community and his talents as a psychiatrist. (Res. Exs. B1-B33, & D-I)

Kathleen Garchar testified to Dr. Price's dedication to patients. Thomas Rice, the Executive Director of Threshold Residential Services, Inc., testified that Dr. Price served the needs of the mentally retarded and developmentally disabled population. Mr. Rice explained that many physicians would not make accommodations, such as coming to the central facility to see patients, but Dr. Price did. Dr. Price received reimbursement from Medicaid or Medicare for

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these services. Mr. Rice was unaware of the practices that lead to Dr. Price's plea. David Schifferli was a patient of Dr. Price. Mr. Schifferli testified that Dr. Price's knowledge of psychiatric medications saved his life. (Tr. 78-84, 141-148 150-156)

19. Dr. Price and his wife described the deleterious effect of his incarceration on his family and his health. Dr. Price expressed remorse. He did not attempt to excuse his behavior. Dr. Price stated, "I thought, these are dear friends. I had no reason to believe that they would ever lie to me in any way. So I took them at face value and I thought I was doing them a favor. Then when Patient 1 came to me to help Patient 3, again, it was thinking, okay if it was my mother, I would want somebody to help." Dr. Price explained why he did not refer the patients to their original physicians:

"If they were not getting relief from the medications that was treating, yes, then I would have felt like, 'Patients 1, 2, you are out of my hands....The report I was given was the medications were working and helping, hearing that, believing what I believe in, I continued then to prescribe."

(Tr. 66-67, 70-71, 158-177)

FINDING OF FACT

1. On or about March 4, 1996, in the United States District Court, Northern District of Ohio, Dr. Price pleaded guilty to and was adjudged guilty of, one (1) felony count of Distribution of a Controlled Substance, in violation of 21 U.S.C. Section 841(a)(1), by unlawfully, knowingly and intentionally distributing and dispensing controlled substances, to wit: Oxycodone/apap (Percocet), a Schedule II controlled substance, and Vicodin ES, a Schedule III controlled substance.

CONCLUSIONS

1. Dr. Price's guilty plea and the judicial finding of guilt, as set forth in Finding of Fact 1, constitutes "a plea of guilty to, or a judicial finding of guilt of, a violation of any federal...law regulating the possession, distribution, or use of any drug,' as those clauses are used in Section 4731.22(B)(3), Ohio Revised Code."

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2. Dr. Price's guilty plea and the judicial finding of guilt, as set forth in Finding of Fact 1, constitutes "(a) plea of guilty to, or a judicial finding of guilt of, a felony,' as that clause is used in Section 4731.22(B)(9), Ohio Revised Code."
3. Dr. Price's guilty plea and the judicial finding of guilt, as set forth in Finding of Fact 1, constitutes "'violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or any rule promulgated by the board,' as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731-11-02(E), Ohio Administrative Code, to wit: 21 U.S.C. Section 841(a)(1)."

★ ★ ★ ★ ★

Dr. Price testified that he prescribed for Patients 1-3 to help them. However, his description of prescribing for Patient 1 reveals that he prescribed to appease his friend rather than for a legitimate medical purpose. The prescription of addictive controlled substances for undiagnosed conditions without records, without even meeting Patient 3, is alarming. Dr. Price's reckless behavior merits a severe sanction. However, in mitigation, Dr. Price is a young physician with a solid record of achievement. He did not profit from his prescribing. The consequences of his abysmal prescribing for Patients 1-3 have been significant. In light of these facts, Dr. Price may be amenable to rehabilitation.

PROPOSED ORDER

It is hereby ORDERED that:

1. The certificate of William A. Price, M.D., to practice medicine and surgery in the State of Ohio is hereby SUSPENDED for an indefinite period of time, but not less than two (2) years.
2. The State Medical Board shall not consider reinstatement of Dr. Price's certificate to practice unless and until all of the following minimum requirements are met:
 - a. Dr. Price shall submit an application for reinstatement, accompanied by appropriate fees. Dr. Price shall not make such application for at least two (2) years from the effective date of this Order.

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- b. Dr. Price shall provide acceptable documentation of successful completion of a minimum of sixty (60) hours of Continuing Medical Education courses in medical recordkeeping and pharmacology. Such courses shall be approved in advance by the Board or its designee and shall be in addition to the Continuing Medical Education requirements for relicensure under Section 4731.281, Ohio Revised Code.
 - c. Dr. Price shall provide acceptable documentation of successful completion of a course dealing with the prescribing of controlled substances, such course to be approved in advance by the Board or its designee, and shall be in addition to the regular Continuing Medical Education requirements for relicensure under Section 4731.281, Ohio Revised Code.
 - d. Dr. Price shall take and pass an examination to be administered by the Board or its designee related to the content of the DEA Physician's Manual, which manual may be obtained from the offices of the State Medical Board. In the event that Dr. Price fails this examination, Dr. Price must wait one (1) month between re-examinations.
 - e. Dr. Price shall submit to the Board and receive its approval for a plan of practice in Ohio which, unless and until otherwise determined by the Board, shall be limited to a supervised structured environment in which Dr. Price's activities will be directly supervised and overseen by another physician approved by the Board.
 - f. Dr. Price shall take and pass the SPEX examination or any similar written examination which the Board may deem appropriate to assess Dr. Price's clinical competency.
3. Upon reinstatement, Dr. Price's certificate shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least five (5) years:
- a. Dr. Price shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.
 - b. Dr. Price shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution stating whether or not there has been compliance with all the provisions of probation.

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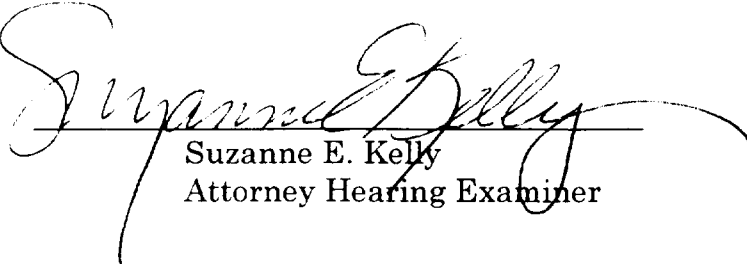
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- c. Dr. Price shall appear in person for interviews before the full Board or its designated representative at three month intervals, or as otherwise requested by the Board.
- d. In the event that Dr. Price should leave Ohio for three (3) consecutive months, or reside or practice outside the State, Dr. Price must notify the State Medical Board in writing of the dates of departure and return. Periods of time spent outside of Ohio will not apply to the reduction of this probationary period, unless otherwise determined by motion of the Board in instances where the Board can be assured that probationary monitoring is otherwise being performed.
- e. Dr. Price shall not prescribe, administer, dispense, order, write orders for, give verbal orders for, or possess (except as prescribed, dispensed or administered for Dr. Price's use by another so authorized by law) any controlled substances, as defined by state or federal law, without prior approval from the Board.
- f. Upon reinstatement of Dr. Price's controlled substance privileges pursuant to Board approval, Dr. Price shall keep a log of all controlled substances purchased, prescribed, dispensed, or administered. Such log shall be submitted in the format approved by the Board thirty (30) days prior to Dr. Price's personal appearances before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Price shall make his patient records with regard to such prescribing available for review by an agent of the State Medical Board upon request.
- g. Dr. Price shall obtain the Board's prior approval for any alteration to the practice plan which was approved by the Board prior to the reinstatement of Dr. Price's certificate. In the event that Dr. Price's supervising physician under this practice plan becomes unable or unwilling to so serve, Dr. Price shall immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Price shall refrain from practicing unless and until such supervision is in place, unless otherwise determined by the Board.
- h. Dr. Price shall provide a copy of this Order to all employers and the Chief of Staff at each hospital where he has, applies for, or obtains privileges.

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- i. Dr. Price shall not request modification of this Order for at least one year after its effective date.
4. Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Price's certificate will be fully restored.
5. This Order shall become effective immediately upon the mailing of notification of approval by the State Medical Board of Ohio.


Suzanne E. Kelly
Attorney Hearing Examiner



STATE MEDICAL BOARD OF OHIO

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EXCERPT FROM THE DRAFT MINUTES OF SEPTEMBER 11, 1996

REPORTS AND RECOMMENDATIONS

Dr. Stienecker announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Stienecker asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Orlando R. Castro, M.D.; William A. Price, M.D.; Victor L. Ramos, M.D.; and Haw Chyr Wu, M.D.

A roll call was taken:

ROLL CALL:	Mr. Albert	- nay
	Dr. Heidt	- aye
	Dr. Egner	- aye
	Dr. Agresta	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Stienecker	- aye

Mr. Sinnott stated that he has a conflict of interest in the matter of William A. Price, M.D., and will recuse himself from that case.

Dr. Stienecker asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- nay
	Dr. Heidt	- aye
	Dr. Egner	- aye
	Dr. Agresta	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Mr. Sinnott	- aye
	Dr. Garg	- aye

Dr. Steinbergh - aye
Dr. Stienecker - aye

In accordance with the provision in Section 4731.22(C)(1), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of this matter.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....
REPORT AND RECOMMENDATION IN THE MATTER OF WILLIAM A. PRICE, M.D.

Dr. Stienecker stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and order in the above matter. No objections were voiced by Board members present.

**DR. AGRESTA MOVED TO APPROVE AND CONFIRM MS. KELLY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF WILLIAM A. PRICE, M.D.
DR. HEIDT SECONDED THE MOTION.**

Dr. Stienecker asked whether there were any questions concerning the proposed findings of fact, conclusions and order in the above matter.

Dr. Heidt commented that he thinks that Dr. Price was very gullible in this whole thing.

DR. HEIDT MOVED THAT THE PROPOSED ORDER IN THE MATTER OF WILLIAM A. PRICE, M.D., BE AMENDED AS FOLLOWS:

1. By substituting "one (1) year" for "two (2) years" in paragraph 1 and 2a.
2. By deleting paragraphs 2b, 2c, 2f and 3i, and renumbering all remaining paragraphs as appropriate.
3. By substituting "at least one (1) year" for "at least five (5) years" in paragraph 3.

DR. GARG SECONDED THE MOTION.

Dr. Heidt stated that he feels his proposal is a much more logical Order for this case.

Dr. Steinbergh stated that she felt Dr. Price to be rather reckless in his prescribing. Several years ago Dr. Nelson Kraus did the same thing and the Board suspended his license for three years and placed him on probation for three years. Dr. Price had no physician/patient relationship whatsoever with the parties for whom he wrote prescriptions. He had no documentation concerning these patients, but continued to write prescriptions for controlled substances for them. The Board has discussed this error in judgment before. It is the physician's responsibility to take on the ethics of prescribing outside the physician/patient relationship. Dr. Steinbergh disagreed with the proposed alternative, stating that it was inconsistent with the Board's actions in the Kraus case.

Dr. Heidt stated that there is no question that this was a grave error in judgment, but it was based on a friendship situation that got out of hand. These were not patients of Dr. Price, but were friends of friends of friends that didn't involve his own direct practice. Dr. Heidt stated that there is no question that this was stupid, but he didn't think Dr. Price was deliberately stupid. From all indications, Dr. Price is an intelligent man.

Dr. Garg agreed with Dr. Heidt, stating that Dr. Price was just gullible and fell into the same old problem in taking care of friends and family. Dr. Garg admitted that, being a psychiatrist, Dr. Price should have recognized drug-seeking behavior. Dr. Garg stated that he supports the amendment because Dr. Price has already paid a penalty by incarceration, in jail and at home. If he hasn't learned his lesson, the Board will see him again.

A vote was taken on Dr. Heidt's motion to amend:

VOTE:	Mr. Albert	- abstain
	Dr. Heidt	- aye
	Dr. Egner	- aye
	Dr. Agresta	- aye
	Dr. Buchan	- aye
	Ms. Noble	- nay
	Mr. Sinnott	- abstain
	Dr. Garg	- aye
	Dr. Steinbergh	- nay

The motion carried.

DR. GARG MOVED TO APPROVE AND CONFIRM MS. KELLY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER, AS AMENDED, IN THE MATTER OF WILLIAM A. PRICE, M.D. DR. HEIDT SECONDED THE MOTION. A vote was taken:

VOTE:	Mr. Albert	- abstain
	Dr. Heidt	- aye

EXCERPT FROM THE DRAFT MINUTES OF SEPTEMBER 11, 1996
IN THE MATTER OF WILLIAM A. PRICE, M.D.

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Dr. Egner	- aye
Dr. Agresta	- aye
Dr. Buchan	- aye
Ms. Noble	- nay
Mr. Sinnott	- abstain
Dr. Garg	- aye
Dr. Steinbergh	- nay
Dr. Stienecker	- aye

The motion carried.



STATE MEDICAL BOARD OF OHIO

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NOTICE OF IMMEDIATE SUSPENSION AND OPPORTUNITY FOR HEARING

April 17, 1996

William A. Price, M.D.
860 Boardman-Canfield Road, #201
Boardman, OH 44512

Dear Doctor Price:

In accordance with Section 2929.17, Ohio Revised Code, the Department of Justice, Office of the United States Attorney, Northern District of Ohio, reported that on or about March 4, 1996, in the United States District Court, Northern District of Ohio, you pleaded guilty and were adjudged guilty of one count of violation of 21 U.S.C. Section 841. This section is substantially equivalent to Section 2925.03, Ohio Revised Code, Trafficking in drugs.

Therefore, pursuant to Section 3719.121(C), Ohio Revised Code, you are hereby notified that your license to practice medicine and surgery in the State of Ohio is immediately suspended. Continued practice after this suspension shall be considered practicing medicine without a certificate in violation of Section 4731.41, Ohio Revised Code.

Furthermore, in accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

Mailed 4/18/96

April 17, 1996

- (1) On or about March 4, 1996, in the United States District Court, Northern District of Ohio, you pleaded guilty and you were adjudged guilty of one (1) felony count of Distribution of a Controlled Substance, in violation of 21 U.S.C. Section 841(a)(1), by unlawfully, knowingly and intentionally distributing and dispensing controlled substances, to wit: Oxycodone/apap (Percocet), a Schedule II controlled substance, and Vicodin ES (sic), a Schedule III controlled substance.

Your guilty plea and the judicial finding of guilt as alleged in paragraph (1) above, individually and/or collectively, constitute "(s)elling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, or a judicial finding of guilt of, a violation of any federal or state law regulating the possession, distribution, or use of any drug," as those clauses are used in Section 4731.22(B)(3), Ohio Revised Code.

Further, your guilty plea and the judicial finding of guilt as alleged in paragraph (1) above, individually and/or collectively, constitute "(a) plea of guilty to, or a judicial finding of guilt of, a felony," as that clause is used in Section 4731.22(B)(9), Ohio Revised Code.

Further, your guilty plea and the judicial finding of guilt as alleged in paragraph (1) above, individually and/or collectively, constitute "violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provisions of this chapter or any rule promulgated by the board," as that clause is used in Section 4731.22(B)(20), Ohio Revised Code, to wit: Section 4731-11-02(E), Ohio Administrative Code, to wit: 21 U.S.C. Section 841.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend,

refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Thomas E. Gretter, M.D.
Secretary

TEG/bjm

Enclosures

CERTIFIED MAIL # 152 983 381

RETURN RECEIPT REQUESTED

Duplicate mailing to: William A. Price, M.D.
Mahoning County Community
Corrections Center
1620 Market Street
Youngstown, OH 44507

CERTIFIED MAIL # 152 983 405
RETURN RECEIPT REQUESTED

cc: Stewart Mandel, Esq.
CERTIFIED MAIL # 152 983 382
RETURN RECEIPT REQUESTED

rev.2/15/95