

**IN THE MATTER OF
BRIAN RICCI, PHARM.D.**

License Number: 23811

Respondent

*** BEFORE THE
* STATE BOARD
* OF
* PHARMACY
* Case Number: 18-274**

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. Code Ann., State Gov't ("SG") §10-226 (c)(2) (2014 Repl. Vol. and 2017 Supp.), the State Board of Pharmacy (the "Board") hereby suspends the license to practice as a pharmacist in Maryland issued to **BRIAN RICCI, PHARM.D.**, (the "Respondent"), **License Number: 23811**, under the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occupations ("Health Occ.") §§ 12-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

INVESTIGATIVE FINDINGS

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:¹

¹ The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the summary suspension. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in the State of Maryland. The Respondent was first licensed on November 25, 2015. The Respondent's license expires on August 31, 2019.

2. At all times relevant hereto, the Respondent was employed as a pharmacist at a pharmacy (the "Pharmacy") within a national chain at Westminster, Carroll County, Maryland.²

3. On April 16, 2018, the Board received a Drug Enforcement Administration (DEA) "Report of Theft or Loss of Controlled Substances" form, which reported that there had been a diversion of drugs by a pharmacist using fake scripts; and that this matter had been reported to the Carroll County Sherriff's Department and charges were filed against the Respondent.

4. Attached to the DEA form was a list of the following drugs that were diverted by the Respondent:

Alprazolam Hydrochloride ³ , 1 mg	378 tablets
Diazepam ⁴ , 5mg	113 tablets
Clonazepam ⁵ , 1 MG	104 tablets

² The names of facilities and/or individuals are confidential but may be disclosed to the Respondent by contacting the Administrative Prosecutor.

³ Alprazolam is a benzodiazepine used to treat anxiety and panic attacks. Hydrochloride is a salt used to better absorb the medication.

⁴ Diazepam is a benzodiazepine that affects chemicals in the brain that may be unbalanced in people with anxiety. Diazepam is used to treat anxiety disorders, alcohol withdrawal symptoms, or muscle spasms. Diazepam is sometimes used with other medications to treat seizures.

⁵ Clonazepam is a benzodiazepine. It affects chemicals in the brain that may be unbalanced. Clonazepam is also a seizure medicine, and an anti-epileptic drug.

Methylphenidate ER ⁶ , 20mg	130 tablets
Methylphenidate ER, 50 mg	60 tablets
Oxycodone-Acetaminophen ⁷ , 5-325 mg	53 tablets
Oxycodone-Acetaminophen, 7.5-325 mg	31 tablets
Lorazepam ⁸ , 2 mg	294 tablets
Methylphenidate Chewable, 5 mg	120 tablets
Methylphenidate CD ⁹ , 50 mg	118 tablets
Methylphenidate ER, 54 mg	104 tablets
Morphine Sulfate ¹⁰ ER, 30 mg	70 tablets
Dextroamphetamin-Amphetamine ¹¹ , 30 mg	180 tablets
Dextroamphetamin-Amphetamine ER, 30 mg	60 tablets
Mixed Amphetamine Salts ¹² , 15 mg	30 tablets
Dextroamphetamin-Amphetamine, 20 mg	60 tablets
Mixed Amphetamine Salts, 7.5 mg	30 tablets

⁶ Methylphenidate is a central nervous system stimulant. It affects chemicals in the brain and nerves that contribute to hyperactivity and impulse control. It is used to treat attention deficit disorder (ADD), attention deficit hyperactivity disorder (ADHD), and narcolepsy. ER= Extended Release.

⁷ Oxycodone is an opioid pain medication, sometimes called a narcotic. Acetaminophen is a less potent pain reliever that increases the effects of oxycodone. In this combination, there are 5 mg of Oxycodone and 325 mg of Acetaminophen.

⁸ Lorazepam belongs to a group of drugs called benzodiazepines. It affects chemicals in the brain that may be unbalanced in people with anxiety. Lorazepam is used to treat anxiety disorders.

⁹ CD means “Controlled Delivery or Controlled Release”.

¹⁰ Morphine Sulfate Tablets are indicated for the management of acute and chronic pain severe enough to require an opioid analgesic and for which alternative treatments are inadequate.

¹¹ Amphetamine and dextroamphetamine are central nervous system stimulants that affect chemicals in the brain and nerves that contribute to hyperactivity and impulse control. Amphetamine and dextroamphetamine is a combination medicine used to treat narcolepsy and attention deficit hyperactivity disorder (ADHD).

¹² Adderall, Adderall XR, and Mydayis are combination drugs containing four salts of the two enantiomers of amphetamine, a central nervous system stimulant of the phenethylamine class. Adderall is used in the treatment of attention deficit hyperactivity disorder and narcolepsy. It is also used as an athletic performance enhancer and cognitive enhancer, and recreationally as an aphrodisiac and euphoriant.

Vyvanse¹³, 50 mg 60 tablets

Vyvanse, 70 mg 30 tablets

Acetaminophen-Codeine #4¹⁴, 300-60 mg 30 tablets

5. The internal investigation disclosed that the loss occurred because the Respondent purchased the drugs using scripts under his name as well as under anonymous profiles. The Respondent admitted to taking multiple drugs and creating patient profiles to prevent suspicion. The Respondent also created fake scripts, including some for his fiancée, in order to obtain the above drugs.

6. As a result of the thefts, the Respondent was terminated from employment with the Pharmacy on April 12, 2018.

7. Based upon the thefts, the Respondent was charged in the District Court of Maryland for Carroll County with twenty-nine criminal counts including Unauth. CDS-Dist./Man/Dist, Presc Obtain by Fraud, and Presc Obtain Alter Order.

8. The Respondent's theft of drugs from his employer is a threat to the public health, safety or welfare.

¹³ Vyvanse (lisdexamfetamine) is used to treat attention deficit hyperactivity disorder (ADHD) and binge-eating disorder.

¹⁴ This combination product contains two medications: acetaminophen and codeine. Acetaminophen or Tylenol belongs to the group of medications called *analgesics* (pain relievers) and *antipyretics* (fever reducers). Codeine belongs to the family of medications known as *opioid analgesics* (narcotic pain relievers). This medication is used to relieve moderate to severe pain. Codeine works by acting on the central nervous system to block pain signals, increasing the ability to tolerate pain. Acetaminophen works by raising one's pain threshold. In this combination, the Tylenol is 300 mg and the Codeine is 60 mg.

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to SG §10-226 (c) (2).

ORDER

Based on the foregoing, it is therefore this 16th day of August, 2018, by a majority vote of a quorum of the Board, by authority granted to the Board by SG §10-226(c) (2), the license held by the Respondent, **BRIAN RICCI**, to practice as a Pharmacist in Maryland, License No. 23811, is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that, upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be continued; and it is further

ORDERED that the Respondent shall immediately turn over to the Board his wall certificate and wallet-sized registration to practice as a Pharm Tech issued by the Board; and it is further

ORDERED that this document constitutes an Order of the Board and is a public document for purposes of public disclosure, as required by Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Vol. and 2017 Supp.).



Deena Speights-Napata, Executive Director
Board of Pharmacy

NOTICE OF HEARING

A Show Cause hearing to determine whether the Summary Suspension shall be continued will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215, following a written request by the Respondent for same.