



OHIO STATE BOARD OF PHARMACY

77 South High Street, Room 1702; Columbus, OH 43215-6126

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TEL: 614/466-4143

E-MAIL: exec@bop.state.oh.us

FAX: 614/752-4836

TTY/TDD: Use the Ohio Relay Service: 1-800/750-0750

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ORDER OF THE STATE BOARD OF PHARMACY

(Docket No. D-050103-040)

In The Matter Of:

PENNY LYNN FASIG, R.Ph.

9191 Glenridge Boulevard

Centerville, Ohio 45458

(R.Ph. No. 03-1-25784)

INTRODUCTION

THE MATTER OF PENNY LYNN FASIG CAME FOR HEARING ON JUNE 8, 2005, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: LAWRENCE J. KOST, R.Ph. (presiding); GREGORY BRAYLOCK, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; ELIZABETH I. GREGG, R.Ph.; NATHAN S. LIPSYC, R.Ph.; KEVIN J. MITCHELL, R.Ph.; DOROTHY S. TEATER, PUBLIC MEMBER; AND JAMES E. TURNER, R.Ph.

PENNY LYNN FASIG WAS REPRESENTED BY MARY BARLEY-MCBRIDE. THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

State's Witness

1. Timothy J. Benedict, R.Ph., Ohio State Board of Pharmacy

Respondent's Witnesses

1. Penny Lynn Fasig, R.Ph., Respondent
2. Harry Leonard Stallo, R.Ph.

State's Exhibits

1. Notice of Opportunity For Hearing letter [01-03-05]
1A-1C. Procedurals
2. Copy of Notarized Statement of Penny Fasig [08-31-04]
3. Copy of Notarized Statement of Joy M. Ely [08-31-04]
4. Rx #6909234 and Rx #6909235 [04-16-04]
5. Kroger Pharmacy Patient Medical Expenses Report [01-02-04 to 04-21-04]

Respondent's Exhibits

- A. Copy of Notarized Statement of Joy M. Ely [08-31-04]
- B. Copy of Notarized Statement of Penny Fasig [08-31-04]
- C. Copy of handwritten telephone prescription with notes by Penny Fasig [04-16-04]

FINDINGS OF FACT

After having heard the testimony, observed the demeanor of the witnesses, considered the evidence, and weighed the credibility of each, the State Board of Pharmacy finds the following to be fact:

- (1) Records of the State Board of Pharmacy indicate that Penny Lynn Fasig was originally licensed by the State of Ohio as a pharmacist on August 1, 2003, pursuant to examination, and is currently licensed to practice pharmacy in Ohio.
- (2) Penny Lynn Fasig, on or about April 16, 2004, prior to dispensing Rx #6909235, did not conduct sufficient prospective drug utilization review, to wit: Penny Lynn Fasig reduced a verbal order to writing, and though it had been called in incorrectly by the prescriber's agent, Penny Lynn Fasig dispensed an inappropriate amount of prednisone to this patient which caused harm. Such conduct is in violation of Rule 4729-5-20 of the Ohio Administrative Code.

CONCLUSION OF LAW

The State Board of Pharmacy concludes that paragraph (2) of the Findings of Fact constitutes being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapter 2925. of the Revised Code or a rule of the Board as provided in Division (A)(5) of Section 4729.16 of the Ohio Revised Code.

DECISION OF THE BOARD

Pursuant to Section 4729.16 of the Ohio Revised Code, and after consideration of the record as a whole, the State Board of Pharmacy hereby advises that in the future, Penny Lynn Fasig telephone the prescriber when appropriate so as to complete proper prospective drug utilization review.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-8/Nay-0).

MOTION CARRIED.

SO ORDERED.

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 Ohio Revised Code authorizes an appeal from this Order. An order that denied admission to an examination, or denied the issuance or renewal of a license or registration, or revoked or suspended a license, may be appealed to the court of common pleas in the Ohio county of your place of business or in your Ohio county of residence. Any other order may be appealed to the Court of Common Pleas of Franklin County, Ohio.

Such an appeal, setting forth the order appealed from and the grounds of the appeal, must be commenced by filing the original Notice of Appeal with the State Board of Pharmacy and a copy with the appropriate court within fifteen (15) days after the mailing of this Order and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED & EFFECTIVE: **JULY 14, 2005**

CERTIFIED MAIL / Return Receipt
7003 0500 0002 4347 4133

WTW/lf

William T. Winsley, M.S., R.Ph., Executive Director

cc: Sally Ann Steuk, Assistant Attorney General
Mary Barley-Mc-Bride, Attorney for Respondent; Lane, Alton & Horst LLC; 175 South
Third Street, Suite 700; Columbus, Ohio 43215