OHIO STATE BOARD OF PHARMACY
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ORDER OF THE STATE BOARD OF PHARMACY
(Docket No. D-920824-013)

In The Matter Of:

RANDY DOUGLAS FASNACHT, R.Ph.
5505 Norton Court
Stow, Ohio 44224
(R.Ph. No. 03-2-15153)

INTRODUCTION

THE MATTER OF RANDY DOUGLAS FASNACHT CAME TO HEARING ON MARCH 9, 10, AND 11, 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 ROBERT W. VALENTINE, R.Ph.

RANDY DOUGLAS FASNACHT WAS REPRESENTED BY GERALD S. GOLD AND JOHN S. PYLE, AND THE STATE OF OHIO WAS REPRESENTED BY RONDA ANDERSON, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

(1) Steve Stahl, Munroe Falls Police Department
(2) George Pavlich, Ohio State Board of Pharmacy
(3) William T. Winsley, Ohio State Board of Pharmacy
(4) Randy D. Fasnacht, Respondent
(5) Franklin Z. Wickham, Ohio State Board of Pharmacy

Respondent's Witnesses:

(1) Dr. Roberto Ruiz, M.D., Chief Deputy Coroner, Summit County, Ohio
(2) Joseph Szymanski
(3) Joseph Salem, R.Ph.
(4) Randy Fasnacht, Respondent
(5) Nathan Levine, R.Ph.

(B) Exhibits

State's Exhibits:

(1) Exhibit 1 - Notice of Opportunity letter of Randy Douglas Fasnacht, R.Ph. dated August 24, 1992.

(2) Exhibit 1A - Notice of Opportunity letter of Friendly Discount Drug dated August 24, 1992.
(3) Exhibit 1B - Hearing Request letter in the matter of Randy D. Fasnacht dated September 2, 1992.
(4) Exhibit 1C - Hearing Schedule letter in the matter of Randy D. Fasnacht dated September 11, 1992.
(5) Exhibit 1D - Hearing Request letter in the matter of Friendly Discount Drug dated September 18, 1992.
(6) Exhibit 1E - Hearing Schedule letter in the matter of Friendly Discount Drug dated September 25, 1992.
(7) Exhibit 1F - Continuance Request letter in the matter of Randy D. Fasnacht and Friendly Discount Drug dated November 18, 1992.
(8) Exhibit 1G - Two-page Continuance Request letter in the matter of Friendly Discount Drug dated November 24, 1992; and copy of the United States District Court, Northern District of Ohio, Eastern Division, Case No. 5:91cv1091, Order in the matter of CVS Management Co. -vs- Taco Bell.
(9) Exhibit 1H - Hearing Schedule letter in the matter of Randy Fasnacht dated November 24, 1992.
(10) Exhibit 1I - Hearing Schedule letter in the matter of Friendly Discount Drug dated November 24, 1992.
(11) Exhibit 2 - Renewal Application for DDD License, No. 02-447550, for a Terminal Distributor of Dangerous Drugs License from January 1, 1992 to December 31, 1992 of Friendly Discount Drug dated October 26, 1991.
(12) Exhibit 2A - Pharmacist File Front Sheet of Randy Douglas Fasnacht showing original date of licensure as August 10, 1983.
(13) Exhibit 3 - Letter from Angela S. Blount dated January 25, 1988.
(14) Exhibit 4 - Journal Entry, No. J-880726-064, of the State Board of Pharmacy in the matter of Nathan R. Schneider.
(15) Exhibit 5 - Diligent Search letter of Franklin Z. Wickham dated December 29, 1989.
(16) Exhibit 6 - Five-page Dangerous Drug Distributor Inspection Report of Friendly Discount Drug, DDD No. 02-447550, dated February 5, 1990; and five-page pink sheet response to February 5, 1990 Inspection of Friendly Discount Drug, not signed or dated.
(17) Exhibit 7 - Three-page handwritten statement of Nate Schneider signed and notarized on February 5, 1990.
(18) Exhibit 8 - Five-page transcript of interview of Nate Schneider with George Pavlich taken on February 5, 1990, signed by Nate Schneider and notarized on February 20, 1990.
(19) Exhibit 9 - Three-page handwritten statement of Timothy S. MacTaggart signed and notarized on February 5, 1990.
(20) Exhibit 10 - Seven-page transcript of interview of Timothy MacTaggart with George Pavlich on February 5, 1990, signed by Timothy S. MacTaggart and notarized on February 20, 1990.
(21) Exhibit 11 - Two-page handwritten statement of Nathan H. Levine signed and notarized on February 5, 1990.
(22) Exhibit 12 - Eight-page transcript of interview of Nathan H. Levine with George Pavlich on February 5, 1990, signed by Nathan H. Levine and notarized on February 20, 1990.
(23) Exhibit 14 - Nine-page copy of pages from three prescription refill log books of Friendly Discount Drug.
(24) Exhibit 15 - Receipt for removal of records from Friendly Discount Drug dated May 1, 1991.
(25) Exhibit 16 - Three DEA Form 222s, of Friendly Discount Drug numbered as follows: 891068714, 900342184, and 900342185.

(26) Exhibit 17 - Three-page Dangerous Drug Distributor Inspection Report of Friendly Discount Drug dated January 14, 1991.
(27) Exhibit 18 - Dangerous Drug Distributor Inspection Report of Friendly Discount Drug dated May 14, 1986.
(28) Exhibit 19 - Prescription No. 212789.
(29) Exhibit 19A - Prescription No. 212668.
(30) Exhibit 20 - Prescription No. 180884 and Prescription No. 180885.
(31) Exhibit 21 - Five prescriptions numbered as follows: 207428, 212736, 212534, 207471, and 207470.
(32) Exhibit 22 - Two-page computer printout of seventeen prescriptions filled at Friendly Discount Drug on December 25, 1989.
(33) Exhibit 23 - Prescription No. 180892 and Prescription No. 180880.
(34) Exhibit 24 - Bound Record of Sales of Exempt Narcotic Preparations at Friendly Discount Drug dated from July 26, 1986 through February 5, 1990.
(35) Exhibit 25 - Four-page Controlled Substances Inventory Sheets for Pharmacists of Friendly Discount Drug, Inventory dated November 20, 1988.
(36) Exhibit 26 - Prescription No. 180877 and Prescription No. 180878.
(37) Exhibit 27 - Dangerous Drug Distributor Inspection Report of Friendly Discount Drug dated June 18, 1992.
(38) Exhibit 28 - Seven-page copy of Tax Insurance Summary of Friendly Discount Drug for patient Joe Szymanski from January 1, 1990 through February 15, 1991. Report dated February 15, 1991.
(39) Exhibit 29 - Profile of Joe Szymanski from December 4, 1989 through May 23, 1990.
(40) Exhibit 30 - Copy of letter from S. R. Scheinberg, M.D. dated March 5, 1991.
(41) Exhibit 31 - Prescription No. 179160 and Prescription No. 179161.
(42) Exhibit 32 - Prescription No. 184096.
(43) Exhibit 33 - Prescription No. 186976.
(44) Exhibit 34 - Prescription No. 187704.
(45) Exhibit 35 - Prescription No. 189061.
(46) Exhibit 36 - Prescription No. 189651.
(47) Exhibit 37 - Prescription No. 189650.
(48) Exhibit 38 - Prescription No. 192396.
(49) Exhibit 39 - Prescription No. 196255.
(50) Exhibit 40 - Prescription No. 196840.
(51) Exhibit 41 - Prescription No. 196843.
(52) Exhibit 42 - Prescription No. 199227.
(53) Exhibit 43 - Prescription No. 199228.
(54) Exhibit 44 - Prescription No. 201998.
(55) Exhibit 45 - Prescription No. 202602.
(56) Exhibit 46 - Prescription No. 203254 and Prescription No. 203255.
(57) Exhibit 47 - Prescription No. 204835 and Prescription No. 204836.
(58) Exhibit 48 - Prescription No. 204395.
(59) Exhibit 49 - Prescription No. 204642.
(60) Exhibit 50 - Prescription No. 205338.
(61) Exhibit 51 - Four prescriptions numbered as follows: 206041, 206043, 206044, and 206045.
(62) Exhibit 52 - Prescription No. 206688 and Prescription No. 206689.
(63) Exhibit 53 - Prescription No. 212202.
(64) Exhibit 54 - Prescription No. 209071.
(65) Exhibit 55 - Prescription No. 209563.
(66) Exhibit 56 - Prescription No. 210204 and Prescription No. 210205.
(67) Exhibit 57 - Prescription No. 210806.
(68) Exhibit 58 - Prescription No. 212756.

(69) Exhibit 59 - Prescription No. 212757.
(70) Exhibit 60 - Prescription No. 213647 and Prescription No. 213648.
(71) Exhibit 61 - Prescription No. 179159.
(72) Exhibit 62 - Prescription No. 183294.
(73) Exhibit 63 - Prescription No. 186474 and Prescription No. 186475.
(74) Exhibit 64 - Prescription No. 192397.
(75) Exhibit 65 - Prescription No. 192819.
(76) Exhibit 66 - Prescription No. 192952 and Prescription No. 192953.
(77) Exhibit 67 - Prescription No. 192954.
(78) Exhibit 68 - Prescription No. 194134.
(79) Exhibit 69 - Thirty-nine prescriptions numbered as follows: 181354, 181353, 190558, 198655, 207496, 182079, 182422, 182423, 188755, 192126, 178570, 178569, 187607, 197017, 188131, 190728, 195239, 204169, 188130, 190727, 205117, 193497, 188221, 197018, 199241, 210636, 176120, 173718, 175076, 175213, 177155, 180745, 180746, 181351, 190504, 191376, 196851, 199240, and 211563.
(80) Exhibit 70 - Six-page copy of computer-generated report of Prescriptions Filled at Friendly Drug, sorted by date, of patient Fred Montanino, from October 12, 1989 through December 28, 1990.
(81) Exhibit 71 - Eight-page copy of computer-generated report of Prescriptions Filled at Friendly Drug, sorted by drug, of patient Fred Montanino.
(82) Exhibit 72 - Nine-page copy of computer printout, Friendly Drug Tax Insurance Summary for patient Fred Montanino from October 12, 1989, through October 12, 1990. Report dated October 13, 1990.
(83) Exhibit 73 - Six-page copy of computer printout, Friendly Drug Tax Insurance Summary for patient Fred Montanino from January 1, 1990, through January 14, 1991. Report dated January 14, 1991.
(84) Exhibit 74 - Two-page statement of Eva H. Hu-Whittemore, M.D. signed and notarized on February 23, 1993; and attached six-page copy of computer-generated report of Prescriptions Filled at Friendly Drug, sorted by date, of patient Fred Montanino, from October 12, 1989 through December 28, 1990.
(85) Exhibit 75 - Two-page statement of Ross R. Black, M.D. signed and notarized on February 4, 1993; and attached six-page copy of computer-generated report of Prescriptions Filled at Friendly Drug, sorted by date, of patient Fred Montanino, from October 12, 1989 through December 28, 1990.
(86) Exhibit 76 - Two-page statement of John A. Karnoupakis, M.D. signed and notarized on February 10, 1993; and attached six-page copy of computer-generated report of Prescriptions Filled at Friendly Drug, sorted by date, of patient Fred Montanino, from October 12, 1989 through December 28, 1990.
(87) Exhibit 77 - Two-page statement of Dr. Martin Finkelstein, M.D. signed and notarized on February 12, 1993; and attached six-page copy of computer-generated report of Prescriptions Filled at Friendly Drug, sorted by date, of patient Fred Montanino, from October 12, 1989 through December 28, 1990.
(88) Exhibit 78 - Ten 9½ in. x 6 in. bound theme books, Prescription Refill Log books of Friendly Discount Pharmacy.
(89) Exhibit 79 - Seven-page Dangerous Drug Distributor Inspection Report of Friendly Discount Drug dated May 7, 1992; and seven-page pink sheet response to May 7, 1992, inspection received May 15, 1992.
(90) Exhibit 80 - Three-page copy of three DEA Form 222s of Colonial Enterprises, Inc. DBA Friendly Discount Drug numbered as follows: 902479560, 902479575, and 912307580.

(91) Exhibit 81 - Four prescriptions numbered as follows: 251116, 251618, 250842, and 250843.
(92) Exhibit 82 - Copy of two prescription labels numbered 251697 and 251698.
(93) Exhibit 83 - Two-page copy of County of Summit, Office of Coroner, Coroner's Report of Investigation of Ferdinand Montanino, Jr. Date of examination December 30, 1990.
(94) Exhibit 84 - Two-page copy of computer-generated report of prescriptions filled at Friendly Drug by Randy Fasnacht for patient Fred Montanino sorted by drug and by date.
(95) Exhibit 85 - Four-page copy of computer-generated report of illegal prescriptions filled at Friendly Drug by Timothy MacTaggart for patient Fred Montanino.
(96) Exhibit 86 - Copies of two bar graphs, Montanino Rx's filled by R.Ph. Tim MacTaggart, and Percentage of Montanino Rx's filled by R.Ph. Tim MacTaggart.
(97) Exhibit 87 - Six-page copy of LEADS Driving Record with criminal history of Timothy S. MacTaggart provided by the Ohio State Highway Patrol; copy of Facsimile Information Transmittal Cover Sheet to Sgt. Harold Neese, Ohio State Highway Patrol Communications Center, from Tim Benedict, Ohio State Board of Pharmacy; and copy of Request for Record Check of Timothy Scott MacTaggart dated June 16, 1992.
(98) Exhibit 88 - Six-page statement of Schayel R. Scheinberg, M.D. signed and notarized on January 26, 1993.
(99) Exhibit 89 - Two-page certified Journal Entry in the Court of Common Pleas, County of Summit, case number CR 91 03 0708, the State of Ohio vs. Joseph Szymanski dated June 3, 1991.
(100) Exhibit 90 - Three-page certified Journal Entry in the Court of Common Pleas, County of Summit, case number CR 91 07 1597, the State of Ohio vs. Joseph Szymanski dated August 6, 1991.
(101) Exhibit 91 - Three-page copy of computer printout of prescriptions alleged to be prescribed by Dr. Karnoupakis and filled at Friendly Discount Drug.

Respondent's Exhibits:

(1) Exhibit A - Eight-page copy of Report of Autopsy, No. N-492-90, of Ferdinand Montanino, Jr. performed on December 30, 1990; and two-page copy of Microscopic Examination, No. N-492-90, of Ferdinand Montanino, Jr.
(2) Exhibit B - Seventeen-page calendar dated from October 1989 through February 1991 of prescriptions filled for Fred Montanino by Randy Fasnacht; and fifteen-page calendar dated from December 1989 through February 1991 of prescriptions filled for Joe Szymanski by Randy Fasnacht.
(3) Exhibit C - Five-page chart of prescriptions filled for Joe Symanski (sic Szymanski).
(4) Exhibit D - Copies of nine pages of records from the personnel file at Kent State University of Fred Montanino: correspondence from J. A. Karnoupakis, M.D. dated January 24, 1990; Request for Leave dated January 16, 1990; correspondence from Peter C. Kratcoski dated February 14, 1990; correspondence from Dr. Fred Montanino dated February 14, 1990; correspondence from Martin S. Finkelstein, M.D. dated February 14, 1990; correspondence from Martin S. Finkelstein, M.D. dated March 8, 1990; correspondence from Martin S. Finkelstein, M.D. dated May 11, 1990; correspondence from Peter C. Kratcoski dated May 21, 1990; and correspondence from Dr. Fred Montanino, not dated.
(5) Exhibit E - Page one of AT&T current charges from Friendly Discount Drug, telephone number 216/686-1606, dated November 5, 1990.

(6) Exhibit G - Computer printout of Screening Display, Overlap Screen, of computer program, Datastat, used by Friendly Discount Drug.

Joint Exhibit:

(1) Exhibit 1 - Four-page letter from Gerald A. Messerman dated October 20, 1992; and two-page copy of letter from Ronda S. Anderson, Assistant Attorney General dated November 3, 1992.

Proffered Exhibit (not considered by the Board):

(1) State's Exhibit 92 - Order of the Ohio State Board of Pharmacy, Docket No. D-900910-018, in the matter of David P. Keenan dated November 8, 1990; and Order of the Ohio State Board of Pharmacy, Docket No. D-901105-053, in the matter of David P. Keenan dated January 30, 1991.

FINDINGS OF FACT

(1) From the evidence presented, the State Board of Pharmacy finds that records of the Board of Pharmacy indicate that Randy Douglas Fasnacht was originally licensed to practice pharmacy in the state of Ohio on August 10, 1983, pursuant to examination, and is the Responsible Pharmacist at Friendly Discount Drug in Munroe Falls, Ohio, pursuant to Sections 4729.27 and 4729.55 of the Ohio Revised Code and Rule 4729-5-11 of the Ohio Revised Code.

(2) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about November 25, 1989, knowingly make a false statement with the purpose to secure the issuance by the Board of Pharmacy of a license or registration, to wit: on its terminal distributor renewal application, Randy Douglas Fasnacht, on behalf of Friendly Discount Drug, indicated that no owner, agent, or employee of the facility had been charged by any state or federal governmental agency of violations of Chapters 4729., 3719., or 2925. of the Ohio Revised Code when Nate Schneider, a manager consultant for the store, had in fact been so charged by this Board. Such conduct is in violation of Section 2921.13(A)(5) of the Ohio Revised Code.

(3) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about February 5, 1990, permit a pharmacist, Timothy S. MacTaggart, to engage in the practice of pharmacy without having on his person his personal identification card or renewal identification card. Such conduct is in violation of Section 4729.12 of the Ohio Revised Code.

(4) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about February 5, 1990, and dates immediately preceding, fail to maintain the pharmacy's daily computer printout in a bound book, and such manual record was not prepared with proper care for recording accountability of refill dispensing. Such conduct is in violation of Rule 4729-5-17 of the Ohio Administrative Code.

(5) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about February 5, 1990, and dates immediately preceding, fail to properly execute the

pharmacy's DEA 222 drug order forms, to wit: after having been warned of such conduct on May 14, 1986, in an administrative inspection by an agent of the Board, the pharmacy failed to note the date and amount of Schedule II controlled substances received. Such conduct is in violation of Section 1305.09 of the Code of Federal Regulations and in violation of Section 3719.07 of the Ohio Revised Code.

(6) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about February 5, 1990, and dates immediately preceding, fail to require Friendly Discount Drug's pharmacists to manually initial new prescriptions when dispensing drugs, after having been warned of such conduct on May 14, 1986, in an administrative inspection by an agent of the Board. Such conduct is in violation of Rule 4729-5-17 of the Ohio Administrative Code.

(7) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about February 5, 1990, receive telephone prescriptions without indicating on the prescription the name of the agent issuing the prescription or the name or initials of the pharmacist dispensing the prescription. Such conduct is in violation of Rule 4729-5-30 of the Ohio Administrative Code.

(8) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about February 5, 1990, fail to indicate on original prescriptions the generic manufacturer when dispensing generic substitutions. Such conduct is in violation of Rule 4729-5-17 of the Ohio Administrative Code.

(9) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about February 5, 1990, and dates immediately preceding, permit nonlicensed personnel to possess keys to a pharmacy which is not secured by a physical barricade when personal supervision of the dangerous drug stock was not provided, to wit: the pharmacy allowed Nate Schneider, an unlicensed person, to possess a key to the pharmacy. Such conduct is in violation of Rule 4729-9-11 of the Ohio Administrative Code.

(10) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about February 5, 1990, and dates immediately preceding, fail to keep a written record of sales of hypodermics in the same manner as the exempt narcotics register when selling hypodermics other than by prescription. Such conduct is in violation of Section 3719.172(E) of the Ohio Revised Code.

(11) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about February 5, 1990, and during the immediately preceding two years, after having been previously warned of such conduct on May 14, 1986, in an administrative inspection by an agent of the Board, fail to properly conduct and record a D.E.A. biennial controlled substance drug inventory. Such conduct is in violation of Rule 4729-9-14 of the Ohio Administrative Code and Section 1304.13 of the Code of Federal Regulations.

(12) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about December 5, 1989, intentionally make and/or knowingly possess a false or forged

prescription, to wit: Randy Douglas Fasnacht and/or pharmacists under his control altered and/or possessed altered prescription number 179161, written by the physician for 240ml of a Codeine-based syrup with no refills to read 480ml with 5 refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(13) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about March 3, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht and/or pharmacists under his control altered and/or possessed altered prescription number 186976, written by the physician for 20 units of Darvocet with no refills to read 20 units with 6 refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(14) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about March 28, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht or a pharmacist under his control created and subsequently possessed forged prescription number 189061 for 480ml of a Codeine-based syrup. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(15) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about April 4, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht or a pharmacist under his control altered and/or possessed altered prescription number 189651, written by the physician for 240ml of a Codeine-based syrup with no refills to read 480ml with 5 refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(16) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about April 4, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht or a pharmacist under his control altered and/or possessed altered prescription number 189650, written by the physician for 24 units of Darvocet with no refills to read 24 units with 5 refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(17) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about May 6, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht or a pharmacist under his control created and subsequently possessed prescription number 192396 for 480ml of a Codeine-based syrup. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(18) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about June 25, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht or a pharmacist under his control created and/or possessed forged prescription number 196255 for 480ml of a Codeine-based syrup. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(19) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about June 30, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht or a pharmacist under his control altered and/or possessed altered prescription number 196840, written by the physician for 24 units of Darvocet with no refills to read 24 units of Darvocet with 5 refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(20) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about June 30, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht or a pharmacist under his control altered and/or possessed altered prescription number 196843, written by the physician for 240ml of a Codeine-based syrup with no refills to read 480ml with 5 refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(21) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about August 5, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht altered and/or possessed altered prescription number 199227, written by the physician for 20 units of Darvocet with no refills to read 48 units with 4 refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(22) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about August 5, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht altered and/or possessed altered prescription number 199228 written by the physician for 240ml of a Codeine-based syrup with no refills to read 480ml with 5 refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(23) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about September 10, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht created and/or possessed forged prescription number 201998 for 480ml of a Codeine-based syrup. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(24) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about September 17, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht or a pharmacist under his control created and/or possessed forged prescription number 202602 for 480ml of a Codeine-based syrup. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(25) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about September 23, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht or a pharmacist under his control altered and/or possessed altered prescription number 203255, written by the

physician for 240ml of a Codeine-based syrup with no refills to read 480ml with 3 refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(26) Randy Douglas Fasnacht as Responsible Pharmacist did, on or about October 11, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht altered and/or possessed altered prescription number 204835, written by the physician for 240ml of a Codeine-based syrup with no refills to read 480ml with 2 refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(27) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about October 6, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht created and/or possessed forged prescription number 204395 for 480ml of a Codeine-based syrup. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(28) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about October 10, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht created and/or possessed forged prescription number 204642 for 48 units of Darvocet. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(29) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about October 18, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht created and/or possessed forged prescription number 205338 for 480ml of a Codeine-based syrup. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(30) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about October 26, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht or a pharmacist under his control created and/or possessed forged prescription number 206045 for 480ml of a Codeine-based syrup with 5 refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(31) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about January 5, 1991, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht altered and/or possessed altered prescription number 212202, written by the physician for 240ml of a Codeine-based syrup to read 480ml. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(32) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about November 29, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht created and/or possessed forged prescription number 209071 for 240ml of a Codeine-based syrup. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(33) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about December 5, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht altered and/or possessed altered prescription number 209563, written by the physician for 240ml of a Codeine-based syrup with no refills to read 480ml with 2 refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(34) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about January 11, 1991, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht created and/or possessed forged prescription number 212756 for 480ml of a Codeine-based syrup. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(35) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about January 11, 1991, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht created and/or possessed forged prescription number 212757 for 12 units of Darvocet. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(36) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about January 22, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht or a pharmacist under his control altered and/or possessed altered prescription number 183294, written by the physician for 240ml of a Codeine-based syrup with no refills to read 480ml with 5 refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(37) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about February 26, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht altered and/or possessed altered prescription number 186474, written by the physician for 240ml of a Codeine-based syrup with no refills to read 480ml with 5 refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(38) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about May 6, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht or a pharmacist under his control created and/or possessed forged prescription number 192397 for 24 units of Darvocet. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(39) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about May 10, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht or a pharmacist under his control created and/or possessed forged prescription number 192819 for 180ml of a Codeine-based syrup. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(40) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about May 12, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht created and/or possessed forged prescription number 192954 for 480ml of a Codeine-based syrup. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(41) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about May 27, 1990, intentionally make and/or knowingly possess a false or forged prescription, to wit: Randy Douglas Fasnacht altered and/or possessed altered prescription number 194134, written by the physician for 240ml of a Codeine-based syrup with no refills to read 480ml with 8 refills. Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

(42) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about December 5, 1989, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and/or a pharmacist under his control sold 480ml of a Codeine-based syrup pursuant to false or forged prescription number 179161 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(43) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about March 3, 1990; March 12, 1990; and March 21, 1990, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht or a pharmacist under his control sold 40 units of Darvocet, on three separate occasions, pursuant to false or forged prescription number 186976 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

(44) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about March 28, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and/or a pharmacist under his control sold 480ml of a Codeine-based syrup pursuant to false or forged prescription number 189061 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(45) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about April 4, 1990; April 9, 1990; April 13, 1990; April 19, 1990; April 24, 1990; and April 30, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and/or a pharmacist under his control sold 480ml of a Codeine-based syrup, on six separate occasions, pursuant to false or forged prescription number 189651 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(46) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about April 4, 1990; April 9, 1990; April 13, 1990; April 19, 1990; April 24, 1990; and April 29, 1990, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and/or a pharmacist under his control sold 24 units of Darvocet on six separate occasions pursuant to false or forged prescription number 189650 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

(47) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about May 6, 1990 and May 20, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and/or a pharmacist under his control sold 480ml of a Codeine-based syrup, on two separate occasions, pursuant to false or forged prescription number 192396 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(48) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about June 25, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and/or a pharmacist under his control sold 480ml of a Codeine-based syrup pursuant to false or forged prescription number 196255 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(49) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about June 30, 1990; July 5, 1990; July 10, 1990; and July 20, 1990, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and/or a pharmacist under his control sold 24 units of Darvocet, on four separate occasions, pursuant to false or forged prescription number 196840 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

(50) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about June 30, 1990; July 5, 1990; July 10, 1990; July 14, 1990; July 20, 1990; and July 26, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and/or a pharmacist under his control sold 480ml of a Codeine-based syrup pursuant to false or forged prescription number 196843, on six separate occasions, and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(51) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about August 5, 1990; August 15, 1990; August 23, 1990; September 2, 1990; and September 10, 1990, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and/or a pharmacist under his control sold 48 units of Darvocet, on five separate occasions, pursuant to false or forged prescription number 199227 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

(52) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about August 5, 1990; August 11, 1990; August 15, 1990; August 23, 1990; August 30, 1990; and September 5, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and/or a pharmacist under his control sold 480ml of a Codeine-based syrup, on six separate occasions, pursuant to false or forged prescription number 199228 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(53) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about September 10, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht sold 480ml of a Codeine-based syrup pursuant to false or forged prescription number 201998 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(54) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about September 17, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and/or a pharmacist under his control sold 480ml of a Codeine-based syrup pursuant to false or forged prescription number 202602 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(55) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about September 23, 1990 and again on September 30, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and/or a pharmacist under his control sold 480ml of a Codeine-based syrup, on two separate occasions, pursuant to false or forged prescription number 203255 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(56) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about October 11, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht sold 480ml of a Codeine-based syrup pursuant to false or forged prescription number 204835 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(57) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about October 6, 1990 knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht sold 480ml of a Codeine-based syrup pursuant to false or forged prescription number 204395 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(58) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about October 10, 1990, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht sold 48 tablets of Darvocet pursuant to false or forged prescription number 204642 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

(59) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about October 18, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht sold 480ml of a Codeine-based syrup pursuant to false or forged prescription number 205338 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(60) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about October 26, 1990; October 31, 1990; November 5, 1990; November 11, 1990; November 15, 1990; and November 16, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and/or a pharmacist under his control sold 480ml of a Codeine-based syrup, on six separate occasions, pursuant to false or forged prescription number 206045 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(61) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about January 5, 1991, knowingly sell a controlled substance in an amount greater than or

equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht sold 480ml of a Codeine-based syrup pursuant to false or forged prescription number 212202 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(62) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about November 29, 1990, knowingly sell a controlled substance in an amount equal to or less than three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht sold 240ml of a Codeine-based syrup pursuant to false or forged prescription number 209071 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

(63) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about December 5, 1990; December 12, 1990; and December 27, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code,to wit: Randy Douglas Fasnacht and/or a pharmacist under his control sold 480ml of a Codeine-based syrup, on three separate occasions, pursuant to false or forged prescription number 209563 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(64) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about January 11, 1991, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht sold 480ml of a Codeine-based syrup pursuant to false or forged prescription number 212756 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(65) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about January 11, 1991, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and/or a pharmacist under his control sold 12 units of Darvocet pursuant to false or forged prescription number 212757 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

(66) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about January 22, 1990; January 28, 1990; February 3, 1990; February 7, 1990; February 13, 1990; and February 20, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and/or a pharmacist under

his control sold 480ml of a Codeine-based syrup, on six separate occasions, pursuant to false or forged prescription number 183294 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(67) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about February 26, 1990; March 3, 1990; and March 14, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and/or a pharmacist under his control sold 480ml of a Codeine-based syrup, on three separate occasions, pursuant to false or forged prescription number 186474 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(68) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about May 6, 1990, knowingly sell a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and/or a pharmacist under his control sold 24 units of Darvocet pursuant to false or forged prescription number 192397 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

(69) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about May 10, 1990, knowingly sell a controlled substance in an amount equal to or less than three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht sold 180ml of a Codeine-based syrup pursuant to false or forged prescription number 192819 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

(70) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about May 12, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht sold 480ml of a Codeine-based syrup pursuant to false or forged prescription number 192954 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(71) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, on or about May 27, 1990; June 2, 1990; June 6, 1990; June 9, 1990; and June 18, 1990, knowingly sell a controlled substance in an amount greater than or equal to three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and/or a pharmacist under his control sold 480ml of a Codeine-based syrup, on five separate occasions, pursuant to false or forged prescription number 194134 and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(72) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, from December 26, 1989, through October 31, 1990, sell and/or aid and abet the sale of a controlled substance in an amount equal to or greater than three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht or another pharmacist at Friendly Discount Drug sold to Fred Montanino 1,790 dosage units of Clorazepate 7.5mg over a 309 day time period pursuant to false or forged prescriptions and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(73) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, from January 14, 1990, through May 18, 1990, sell and/or aid and abet the sale of a controlled substance in an amount greater than bulk but less than three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht or another pharmacist at Friendly Discount Drug sold to Fred Montanino 438 dosage units of Darvon 65mg over a 124 day time period pursuant to false or forged prescriptions and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(5) of the Ohio Revised Code.

(74) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, from November 28, 1989, through December 1, 1990, sell and/or aid and abet the sale of a controlled substance in an amount equal to or greater than three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht or another pharmacist at Friendly Discount Drug sold to Fred Montanino 2,150 dosage units of Hycodan over a 368 day time period pursuant to false or forged prescriptions and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(75) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, from June 10, 1990, through August 6, 1990, sell and/or aid and abet the sale of a controlled substance in an amount equal to or greater than three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and another pharmacist at Friendly Discount Drug sold to Fred Montanino 400 dosage units of Temazepam 30mg over a 57 day time period pursuant to false or forged prescriptions and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(76) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, from April 10, 1990, through December 24, 1990, sell and/or aid and abet the sale of a controlled substance in an amount equal to or greater than three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and another pharmacist at Friendly Discount Drug sold to Fred Montanino 1,200 dosage units of Vicodin over a 258 day time period pursuant to false or forged prescriptions and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

(77) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, from October 30, 1989, through November 26, 1989, sell and/or aid and abet the sale of a controlled substance in an amount less than the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and another pharmacist at Friendly Discount Drug sold to Fred Montanino 120 dosage units of Xanax .5mg over a 27 day time period pursuant to false or forged prescriptions and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(1) of the Ohio Revised Code.

(78) From the evidence presented, the State Board of Pharmacy finds that Randy Douglas Fasnacht as Responsible Pharmacist did, from October 17, 1989 through November 12, 1990, sell and/or aid and abet the sale of a controlled substance in an amount equal to or greater than three times the bulk amount when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Randy Douglas Fasnacht and another pharmacist at Friendly Discount Drug sold to Fred Montanino 13,260ml of Tussionex Suspension, over a 391 day time period, pursuant to false or forged prescriptions and not for a legitimate medical purpose. Such conduct is in violation of Section 2925.03(A)(7) of the Ohio Revised Code.

CONCLUSIONS OF LAW

(1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2), (3), and (12) through (78) of the Findings of Fact constitute being guilty of gross immorality as provided in Division (A)(1) of Section 4729.16 of the Ohio Revised Code.

(2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (78) of the Findings of Fact constitute being guilty of 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 (78) of the Findings of Fact constitute being guilty of willfully violating 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 4729.16 of the Ohio Revised Code, the State Board of Pharmacy takes the following actions concerning the pharmacist license, No. 03-2-15153, held by Randy Douglas Fasnacht:

(A) On the basis of the Conclusions of Law set forth above, the State Board of Pharmacy hereby suspends the license held by Randy Douglas Fasnacht for five years, effective as of the date of the mailing of this Order. Pursuant to Rule 4729-9-01(F) of the Ohio Administrative Code, Randy Douglas Fasnacht 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 four and one-half years of the five-year suspension and place the license on probation for the remainder of the five-year period, provided that Randy Douglas Fasnacht:

(1) takes and successfully completes the Jurisprudence examination offered by the Board within the six-month period;

(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.

Pursuant to paragraph (D)(1) of Rule 4729-3-01 of the Ohio Administrative Code, the State Board of Pharmacy hereby declares that Randy Douglas Fasnacht's pharmacist identification card is not in good standing and thereby denies the privilege of being a preceptor and training pharmacy interns for a period of five years, effective as of the date of the mailing of this Order.

The Board further stipulates that Randy Douglas Fasnacht may not serve as a responsible pharmacist during this five-year period.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY (Aye-6/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 Revised Code authorizes an appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to said court of the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

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 Board of Pharmacy and the appropriate court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Revised Code.

BY ORDER OF THE STATE BOARD OF PHARMACY

ORDER MAILED
AND EFFECTIVE: MAY 5, 1993

CERTIFIED MAIL
Return Receipt
#P 596 092 909

FZW/so

By Franklin Z. Wickham, R.Ph., M.S.
Executive Director

cc: Ronda Anderson, Assistant Attorney General
Gerald S. Gold and John S. Pyle, Attorneys for Respondent; Gold, Rotatori, Schwartz & Gibbons Co., L.P.A.; 1500 Leader Building; Cleveland, Ohio 44114-1498