



# OHIO STATE BOARD OF PHARMACY

65 S. FRONT STREET, ROOM 504  
COLUMBUS, OHIO 43215  
TELEPHONE: 614/466-4143

THE STATE BOARD OF PHARMACY

vs

FRANK J. KRIZEK, R.Ph.

THE MATTER OF FRANK J. KRIZEK, DOCKET NO. 6-104-3, WAS HEARD PURSUANT TO CHAPTERS 119. AND 4729. OF THE REVISED CODE ON THURSDAY, JANUARY 30, 1986. AFTER CONSIDERATION OF THE EVIDENCE ADDUCED, MOTIONS WERE MADE AND RECORDED THAT THE FOLLOWING ORDER BE ADOPTED:

## ORDER

### Findings Of Fact

- (1) From the evidence presented, the State Board of Pharmacy finds that Frank J. Krizek did, on one or more occasions between May 1, 1981 and July 13, 1983 at Revco Discount Drug Center, 387 Broad Street, Elyria, Ohio 44035, without a written or oral prescription, dispense approximately 571 tablets of Percodan and approximately 131 tablets of Quaalude-300mg, both of which were Schedule II controlled substances and prescription drugs, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code, and that in dispensing such drugs his conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (2) From the evidence presented, the State Board of Pharmacy finds that Frank J. Krizek did, on one or more occasions between May 1, 1981 and July 13, 1983 at Revco Discount Drug Center, 387 Broad Street, Elyria, Ohio 44035, without a written or oral prescription, dispense approximately 48 capsules of Biphetamine-20mg, a Schedule II controlled substance and prescription drug, in an amount equal to or exceeding the bulk amount but in an amount less than three times that amount as defined in Section 2925.01 of the Revised Code, and that in dispensing such drug his conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(5) of the Revised Code.

- (3) From the evidence presented, the State Board of Pharmacy finds that Frank J. Krizek did, on one or more occasions between May 1, 1981 and July 13, 1983 at Revco Discount Drug Center, 387 Broad Street, Elyria, Ohio 44035, without a written or oral prescription, dispense approximately 53 tablets of Dilaudid-2mg and approximately 13 tablets of Quaalude-150mg, both of which were Schedule II controlled substances and prescription drugs, in an amount less than the minimum bulk amount as defined in Section 2925.01 of the Revised Code, and that in dispensing such drugs his conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Sections 2925.03(A)(1), 3715.52(L), and 3719.05(A) of the Revised Code.
- (4) From the evidence presented, the State Board of Pharmacy finds that Frank J. Krizek did, on one or more occasions between July 13, 1983 and October 17, 1984 at Revco Discount Drug Center, 387 Broad Street, Elyria, Ohio 44035, without a written or oral prescription, dispense approximately 819 tablets of Percodan, a Schedule II controlled substance and prescription drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code, and that in dispensing such drug his conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(7) of the Revised Code.
- (5) From the evidence presented, the State Board of Pharmacy finds that Frank J. Krizek did, on one or more occasions between July 13, 1983 and October 17, 1984 at Revco Discount Drug Center, 387 Broad Street, Elyria, Ohio 44035, without a written or oral prescription, dispense approximately 12 tablets of Demerol-100mg and approximately 5 capsules of Dexedrine-10mg, both of which are Schedule II controlled substances and prescription drugs, in an amount less than the minimum bulk amount as defined in Section 2925.01 of the Revised Code, and that in dispensing such drugs his conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(1) of the Revised Code.
- (6) From the evidence presented, the State Board of Pharmacy finds that Frank J. Krizek did, on one or more occasions between April 30, 1983 and October 17, 1984 at Revco Discount Drug Center, 387 Broad Street, Elyria, Ohio 44035, without a written or oral prescription, dispense approximately 793 tablets of Valium-5mg, approximately 439 tablets of Valium-10mg, and approximately 249 tablets of Talwin-Nx, all of which are Schedule IV controlled substances and prescription drugs, in an amount less than the minimum bulk amount as defined in Section 2925.01 of the Revised Code, and that in dispensing such drugs his conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(1) of the Revised Code.

- (7) From the evidence presented, the State Board of Pharmacy finds that Frank J. Krizek did willfully violate the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code during the latter part of 1982 at Revco Discount Drug Center, 387 Broad Street, Elyria, Ohio 44035, to wit: Mr. Krizek did knowingly dispense approximately 40 tablets of Preludin-75mg, a Schedule II controlled substance and prescription drug, in an amount equal to or exceeding the bulk amount but in an amount less than three times that amount as defined in Section 2925.01 of the Revised Code, to Michelle Morgan without a prescription issued by a practitioner. Such conduct was in violation of Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(5) of the Revised Code.
- (8) From the evidence presented, the State Board of Pharmacy finds that Frank J. Krizek did, on or about December 24, 1983 at Revco Discount Drug Center, 387 Broad Street, Elyria, Ohio 44035, without a valid prescription, dispense approximately 100 tablets of Percocet, a Schedule II controlled substance and prescription drug, in an amount equal to or exceeding the bulk amount but in an amount less than three times that amount as defined in Section 2925.01 of the Revised Code; in violation of Sections 3715.52(L) and 3719.05(A) of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(5) of the Revised Code.
- (9) From the evidence presented, the State Board of Pharmacy finds that Frank J. Krizek did, on or about December 24, 1983 at Revco Discount Drug Center, 387 Broad Street, Elyria, Ohio 44035 knowingly possess a false or forged prescription for approximately 100 tablets of Percocet, to wit: Prescription No. 463863, which was issued by Richard F. Runser, M.D., for 60 tablets and was altered to 100. Such conduct is prohibited by Section 2925.23(B) of the Revised Code.
- (10) From the evidence presented, the State Board of Pharmacy finds that Frank J. Krizek did, on or about December 24, 1983 at Revco Discount Drug Center, 387 Broad Street, Elyria, Ohio 44035, without a valid prescription, dispense approximately 100 capsules of Restoril-30mg, a Schedule IV controlled substance and prescription drug, in an amount equal to or exceeding three times the bulk amount as defined in Section 2925.01 of the Revised Code, and that in dispensing such drug his conduct was not in accordance with Chapters 3715., 3719., and 4729. of the Revised Code. Such conduct is prohibited by Section 2925.03(A)(7) of the Revised Code.

- (11) From the evidence presented, the State Board of Pharmacy finds that Frank J. Krizek did, on or about December 24, 1983 at Revco Discount Drug Center, 387 Broad Street, Elyria, Ohio 44035, knowingly possess a false or forged prescription for approximately 100 capsules of Restoril, to wit: Prescription No. 463864, which was issued by Richard F. Runser, M.D., for 60 capsules and was altered to 100. Such conduct is prohibited by Section 2925.23(B) of the Revised Code.
- (12) From the evidence presented, the State Board of Pharmacy finds that Frank J. Krizek did routinely destroy prescriptions to conceal the dispensing of drugs of abuse in quantities less than those prescribed by certain practitioners, including but not limited to, Leonard Faymore, D.O.; Victor Ferrari, M.D.; Julian Silecky, M.D.; George Gotsis, M.D.; and Robert VanDerVoort, M.D. Such conduct is prohibited by Section 2921.12 of the Revised Code.
- (13) From the evidence presented, the State Board of Pharmacy finds that Frank J. Krizek did routinely dispense drugs other than those prescribed by the practitioner and knowingly made or affixed a false or forged label to the prescription vials. Such conduct is prohibited by Sections 2925.23(D) and 3715.52(A) of the Revised Code.
- (14) From the evidence presented, the State Board of Pharmacy finds that Frank J. Krizek did, on numerous occasions during the years 1981 through 1984, without a valid prescription given by a practitioner, sell to various individuals the following controlled substances in amounts less than the minimum bulk amount as defined in Section 2925.01 of the Revised Code: Valium-10mg, Demerol-100mg, Preludin-75mg, and Dexedrine. Such conduct is not in accordance with Revised Code Chapters 3715., 3719., and 4729., and is prohibited by Section 2925.03(A)(1) of the Revised Code.
- (15) From the evidence presented, the State Board of Pharmacy finds that Frank J. Krizek, as the responsible pharmacist for Revco Discount Drug Center, 387 Broad Street, Elyria, Ohio 44035, did not keep a record of all controlled substances received or dispensed; in violation of the provisions of Sections 3719.07 and 4729.37 of the Revised Code.

#### Conclusions Of Law

- (1) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (15) of the Findings Of Fact constitutes gross immorality.

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- (2) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (15) of the Findings Of Fact constitutes dishonesty and unprofessional conduct in the practice of pharmacy.
- (3) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that the conduct set forth in paragraphs (1) through (15) of the Findings Of Fact constitutes willful violations of the provisions of Chapters 2925., 3715., 3719., and 4729. of the Revised Code.

Pursuant to Section 4729.16 of the Ohio Revised Code, and the foregoing Findings Of Fact and Conclusions Of Law, the State Board of Pharmacy takes the following actions concerning the pharmacist license of Frank J. Krizek:

- (A) On the basis of paragraph (1) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Frank J. Krizek.
- (B) On the basis of paragraph (2) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Frank J. Krizek.
- (C) On the basis of paragraph (3) of the Conclusions Of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card held by Frank J. Krizek.

Division (B) of Section 4729.16 of the Revised Code provides in pertinent part that: "Any individual whose identification card is revoked, . . . , shall return his identification card and certificate of registration to the offices of the state board of pharmacy within ten days after receipt of notice of such action." The certificate and identification card should be forwarded by certified mail, return receipt requested.

THIS ORDER WAS APPROVED BY A VOTE OF THE STATE BOARD OF PHARMACY.

MOTION CARRIED.

SO ORDERED.

It is hereby certified by this Board that the above language is a copy of the Order entered upon its journal in this case.

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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

CERTIFIED MAIL  
Return Receipt

ORDER ISSUED: February 23, 1935

FZW/sb

By Franklin Z. Wickham  
Franklin Z. Wickham, Executive Director

cc/John E. Breen, Assistant Attorney General  
James Tassie, Attorney; 300 4th Street, Box 427; Elyria, Ohio 44036