

ORDER OF THE STATE BOARD OF PHARMACY  
(Docket No. D-000121-041)

In The Matter Of:

**FRANK LANCZ, R.Ph.**  
629 Regina Parkway  
Toledo, Ohio 43612  
(R.Ph. No. 03-3-12072)

INTRODUCTION

THE MATTER OF FRANK LANCZ CAME TO HEARING ON APRIL 5, 2000, BEFORE THE FOLLOWING MEMBERS OF THE BOARD: ROBERT B. CAVENDISH, R.Ph. (presiding); ANN D. ABELE, R.Ph.; DIANE C. ADELMAN, R.Ph.; SUZANNE R. EASTMAN, R.Ph.; ROBERT P. GIACALONE, R.Ph.; LAWRENCE J. KOST, R.Ph.; SUZANNE L. NEUBER, R.Ph.; AND NICHOLAS R. REPKE, PUBLIC MEMBER.

FRANK LANCZ WAS REPRESENTED BY ROBERT D. NOBLE, AND THE STATE OF OHIO WAS REPRESENTED BY SALLY ANN STEUK, ASSISTANT ATTORNEY GENERAL.

SUMMARY OF EVIDENCE

(A) Testimony

State's Witnesses:

- (1) Dale R. Fritz, Ohio State Board of Pharmacy

Respondent's Witnesses:

- (1) Frank Lancz, Respondent

(B) Exhibits

State's Exhibits:

- (1) Exhibit 1--Copy of ten-page Notice of Opportunity for Hearing dated January 21, 2000.
- (2) Exhibit 1A--Letter from Robert D. Noble dated January 12, 2000.
- (3) Exhibit 1B--Hearing Request letter dated January 24, 2000.
- (4) Exhibit 1C--Copy of Hearing Schedule letter dated January 28, 2000.
- (5) Exhibit 1D--Copy of Pharmacist File Front Sheet of Frank Lancz showing original date of registration as March 29, 1977; and two-page copy of Renewal Application For Pharmacist License, No. 03-3-12072, of Frank Lancz dated July 28, 1999.
- (6) Exhibit 2--Prescription order for Ronald Pawlowicz dated June 13, 1997, with attached prescription tag no. 4062183 dated June 13, 1997.

- (7) Exhibit 3--Handwritten telephone prescription order for Ron Pawlowicz dated August 11, 1997, with attached prescription tag no. 4063403 dated August 11, 1997.
- (8) Exhibit 4--Handwritten telephone prescription order for Ronald Pawlowicz, not dated, with attached prescription tag no. 4063510 dated August 18, 1997.
- (9) Exhibit 5--Handwritten telephone prescription order for R. Pawlowicz, not dated, with attached prescription tag no. 6411689 dated February 19, 1998.
- (10) Exhibit 6--Handwritten telephone prescription order for Ron Pawlowicz dated April 8, 1998, with attached prescription tag no. 6416142 dated April 8, 1998.
- (11) Exhibit 7--Handwritten telephone prescription order for Ron Pawlowicz dated November 27, 1998, with attached prescription tag no. 4069843 dated November 27, 1998.
- (12) Exhibit 8--Handwritten telephone prescription order for Ron Pawlowicz dated December 29, 1998, with attached prescription tag no. 4070249 dated December 29, 1998.
- (13) Exhibit 9--Copy of two-page Cub Pharmacy #619 Medical Expenses report, dated November 23, 1999, of Ronald Pawlowicz for the period from July 28, 1997, to November 23, 1999 showing R.Ph. Mark Everett; and copy of Cub Pharmacy #619 Medical Expenses report, not dated, of Ronald Pawlowicz for the period to July 19, 1999, with no from date, showing R.Ph. Frank Lancz.
- (14) Exhibit 10--Two-page handwritten statement of Frank Lancz dated July 20, 1999.
- (15) Exhibit 11--Handwritten telephone prescription order for Ron Pawlowicz dated March 12, 1999, with attached prescription tag no. 4071296 dated March 12, 1999.
- (16) Exhibit 12--Handwritten telephone prescription order for R. Pawlowicz, not dated, with attached prescription tag no. 6396585 dated September 17, 1997.
- (17) Exhibit 13--Handwritten telephone prescription order for an unknown patient dated October 29, 1999, with attached prescription tag no. 6400640 dated October 29, 1997 for Ronald Pawlowicz.
- (18) Exhibit 14--Handwritten telephone prescription order for Ron Pawlowicz dated December 4, 1998, with attached prescription tag no. 6436445 dated December 4, 1998.
- (19) Exhibit 15--Handwritten telephone prescription order for Ron Pawlowicz dated February 4, 1999, with attached prescription tag no. 6441732 dated February 4, 1999, and attached prescription tag no. 6441733 dated February 4, 1999.
- (20) Exhibit 16--Handwritten telephone prescription order for R. Pawlowicz, not dated, with attached prescription tag no. 6455509 dated July 18, 1999.
- (21) Exhibit 17--Handwritten prescription order for Ron Pawlowicz dated November 6, 1997, with attached prescription tag no. 4064669 dated November 6, 1997.
- (22) Exhibit 18--Handwritten prescription order for Ronald Pawlowicz dated December 21, 1997, with attached prescription tag no. 4065298 dated December 22, 1997.
- (23) Exhibit 19--Handwritten statement of James A. Clouse dated July 26, 1999.
- (24) Exhibit 20--Handwritten prescription order for James Clouse, not dated, with attached prescription tag no. 2010874 dated March 30, 1999.
- (25) Exhibit 21--Handwritten prescription order for James Clouse dated March 29, 1999, with attached prescription tag no. 2010875 dated March 30, 1999.
- (26) Exhibit 22--Handwritten prescription order for James Clouse dated March 29, 1999, with attached prescription tag no. 2010876 dated March 30, 1999.
- (27) Exhibit 23--Handwritten prescription order for James Clouse dated April 10, 1999, with attached prescription tag no. 2010904 dated April 11, 1999.

- (28) Exhibit 24--Handwritten prescription order for James Clouse dated April 10, 1999, with attached prescription tag no. 2010905 dated April 11, 1999.
- (29) Exhibit 25--Handwritten prescription order for James Clouse dated April 16, 1999, with attached prescription tag no. 2010932 dated April 20, 1999.
- (30) Exhibit 26--Handwritten prescription order for James Clouse dated April 19, 1999, with attached prescription tag no. 2010933 dated April 20, 1999.
- (31) Exhibit 27--Handwritten prescription order for James Clouse dated April 30, 1999, with attached prescription tag no. 2010980 dated May 3, 1999.
- (32) Exhibit 28--Handwritten prescription order for James Clouse dated May 14, 1999, with attached prescription tag no. 2011018 dated May 16, 1999.
- (33) Exhibit 29--Handwritten prescription order for James Clouse dated July 3, 1999, with attached prescription tag no. 2011147 dated July 5, 1999.
- (34) Exhibit 30--Copy of Cub Pharmacy #619 Medical Expenses report, dated November 23, 1999, of James Clouse for the period from March 30, 1999, to November 23, 1999, showing R.Ph. Mark Everett.
- (35) Exhibit 31--Consultation/Third Party Signature Log dated July 6, 1999.
- (36) Exhibit 32--Consultation/Third Party Signature Log dated April 2, 1999.
- (37) Exhibit 33--Handwritten prescription order for Ronald Pawlowicz dated December 21, 1997, with attached prescription tag no. 4065299 dated December 22, 1997.
- (38) Exhibit 34--Three vials of Nalbuphine 20mg/ml.
- (39) Exhibit 35--Three vials of Benadryl 50mg/ml.
- (40) Exhibit 36--One box of Maxalt-mlt 10mg.
- (41) Exhibit 37--Twelve tablets of Mavik 4mg.
- (42) Exhibit 38--Eight Librax capsules.
- (43) Exhibit 39--One bottle of Hurricane Topical Gel.
- (44) Exhibit 40--One bottle of Nystatin suspension.
- (45) Exhibit 41--Seventeen unused hypodermics.
- (46) Exhibit 42--Numerous used hypodermics.
- (47) Exhibit 43--Copy of St. Charles Hospital Patient Incident Report dated January 3, 1995.
- (48) Exhibit 44--Copy of St. Charles Hospital Discussion Summary dated January 5, 1995.
- (49) Exhibit 45--Ten-page copy of eighteen-count Indictment in the Lucas County Common Pleas Court, Case No. CR99-2458, State of Ohio vs. Ronald Pawlowicz, Frank Lancz and Connie Lancz, dated September 8, 1999.

Respondent's Exhibits:

- (1) None

#### 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 Frank Lancz was originally licensed in the state of Ohio on March 29, 1977, pursuant to examination, and is currently licensed to practice pharmacy in the state of Ohio.

- (2) Frank Lancz did, on or about June 13, 1997, through March 1, 1999, intentionally make, utter, or sell, or knowingly possess a false or forged prescription, to wit: Frank Lancz created the following prescriptions for Patient #1, purportedly written by Dr. Philip Lepkowski:

<u>Rx Number</u>	<u>Date</u>	<u>Drug/Strength</u>	<u>Quantity</u>
4062519	06/13/97	Vicodin ES	90
4062519	08/08/97	Vicodin ES	90
4063403	08/11/97	Lorazepam 0.5mg	30
4063510	08/22/97	Hydrocodone 5mg/APAP 500mg	10
4062519	09/05/97	Vicodin ES	90
4062519	10/10/97	Vicodin ES	90
6402627	11/18/97	Diphenhydramine 50mg/ml (10ml inj)	3
6411689	02/19/98	Diphenhydramine 50mg/ml (10ml inj)	3
6411689	03/09/98	Diphenhydramine 50mg/ml (10ml inj)	3
6411689	03/20/98	Diphenhydramine 50mg/ml (10ml inj)	3
6411689	04/08/98	Diphenhydramine 50mg/ml (10ml inj)	3
6416142	04/08/98	Viagra 100mg	30
6411689	05/10/98	Diphenhydramine 50mg/ml (10ml inj)	3
6411689	05/22/98	Diphenhydramine 50mg/ml (10ml inj)	3
4069843	11/27/98	Hydrocodone 7.5mg/APAP 750mg	30
4070249	12/29/98	Vicodin ES	60
4070249	01/30/99	Vicodin ES	60
4070249	02/15/99	Vicodin ES	60
4070249	03/01/99	Vicodin ES	60

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (3) Frank Lancz did, on or about March 12, 1999, through June 24, 1999, intentionally make, utter, or sell, or knowingly possess a false or forged prescription, to wit: Frank Lancz created the following prescriptions for Patient #1 purportedly written by Dr. Radecki:

<u>Rx Number</u>	<u>Date</u>	<u>Drug/Strength</u>	<u>Quantity</u>
4071295	03/12/99	Lorcet	90
4071296	03/12/99	Stadol NS	3ml
4071296	03/23/99	Stadol NS	3ml
4071295	04/11/99	Lorcet	90
4071295	05/03/99	Lorcet	90
4071295	06/01/99	Lorcet	90
4071295	06/15/99	Lorcet	90
4071295	06/24/99	Lorcet	90

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (4) Frank Lancz did, on or about August 13, 1997, through July 18, 1999, intentionally make, utter, or sell, or knowingly possess a false or forged prescription, to wit:

Frank Lancz created the following prescriptions for Patient #1 purportedly written by a physician at St. Luke's Hospital:

<u>Rx Number</u>	<u>Date</u>	<u>Drug/Strength</u>	<u>Quantity</u>
6393349	08/13/97	Nalbuphine Injection 20mg/ml	20ml
6393349	08/28/97	Nalbuphine Injection 20mg/ml	20ml
6393349	09/08/97	Nalbuphine Injection 20mg/ml	20ml
6396585	09/18/97	Nalbuphine Injection 20mg/ml	30ml
6396585	10/02/97	Nalbuphine Injection 20mg/ml	30ml
6396585	10/16/97	Nalbuphine Injection 20mg/ml	30ml
6400640	10/29/97	Nalbuphine Injection 20mg/ml	30ml
6400640	11/10/97	Nalbuphine Injection 20mg/ml	30ml
6400640	11/20/97	Nalbuphine Injection 20mg/ml	30ml
6400640	12/12/97	Nalbuphine Injection 20mg/ml	30ml
6400640	01/06/98	Nalbuphine Injection 20mg/ml	30ml
6436445	12/04/98	Nalbuphine Injection 20mg/ml	10ml
6441733	02/04/99	Diphenhydramine 50mg/ml (10ml inj)	3
6441732	02/04/99	Nalbuphine Injection 20mg/ml	30ml
6441733	02/26/99	Diphenhydramine 50mg/ml (10ml inj)	3
6441732	02/26/99	Nalbuphine Injection 20mg/ml	30ml
6441733	03/11/99	Diphenhydramine 50mg/ml (10ml inj)	3
6441732	03/22/99	Nubain Injection 20mg/ml	30ml
6441733	03/30/99	Diphenhydramine 50mg/ml (10ml inj)	3
6441732	04/02/99	Nalbuphine Injection 20mg/ml	30ml
6441732	06/04/99	Nalbuphine Injection 20mg/ml	30ml
6441732	06/21/99	Nalbuphine Injection 20mg/ml	30ml
6441732	07/01/99	Nalbuphine Injection 20mg/ml	30ml
6455509	07/18/99	Nalbuphine Injection 20mg/ml	30ml

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (5) Frank Lancz did, on or about November 6, 1997, through January 8, 1999, intentionally make, utter, or sell, or knowingly possess a false or forged prescription, to wit: Frank Lancz created the following prescriptions for Patient #1 purportedly written by a physician at Toledo Hospital:

<u>Rx Number</u>	<u>Date</u>	<u>Drug/Strength</u>	<u>Quantity</u>
4064669	11/06/97	Vicodin ES	60
4064669	11/28/97	Hydrocodone 7.5mg/APAP 750mg	60
4065299	12/22/97	Dihistine DH	240ml
4065298	12/22/97	Vicodin ES	40
4065298	01/08/98	Hydrocodone 7.5mg/APAP 750mg	40

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (6) Frank Lancz did, on or about March 30, 1999, through July 5, 1999, intentionally make, utter, or sell, or knowingly possess a false or forged prescription, to wit:

Frank Lancz created the following schedule II controlled substance prescriptions for Patient #2 purportedly written by Dr. Harry Snyder:

<u>Rx Number</u>	<u>Date</u>	<u>Drug/Strength</u>	<u>Quantity</u>
2010874	03/30/99	Endocet 5-325mg tablets	20
2010875	04/02/99	Dilaudid 2mg tablets	60
2010876	04/02/99	Morphine Sulfate 10mg tablets	60
2010904	04/11/99	Morphine Sulfate 10mg tablets	40
2010905	04/11/99	Morphine Sulfate 30mg tablets	60
2010932	04/20/99	Morphine Sulfate 30mg tablets	60
2010933	04/20/99	Dilaudid 2mg tablets	40
2010980	05/03/99	Morphine Sulfate 30mg tablets	120
2011018	05/17/99	Morphine Sulfate 30mg tablets	120
2011147	07/05/99	Endodan tablets	40

Such conduct is in violation of Section 2925.23(B) of the Ohio Revised Code.

- (7) Frank Lancz did, from June 13, 1997, through March 1, 1999, sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: throughout this time period Frank Lancz sold 830 unit doses of Hydrocodone 7.5mg/APAP 750mg, a schedule III controlled substance, to Patient #1 without a legitimate medical purpose:

<u>Rx Number</u>	<u>Date</u>	<u>Drug/Strength</u>	<u>Quantity</u>
4062519	06/13/97	Vicodin ES	90
4062519	08/08/97	Vicodin ES	90
4062519	09/05/97	Vicodin ES	90
4062519	10/10/97	Vicodin ES	90
4064669	11/06/97	Vicodin ES	60
4064669	11/28/97	Hydrocodone 7.5mg/APAP 750mg	60
4065298	12/22/97	Vicodin ES	40
4069843	11/27/98	Hydrocodone 7.5mg/APAP 750mg	30
4070249	12/29/98	Vicodin ES	60
4065298	01/08/99	Hydrocodone 7.5mg/APAP 750mg	40
4070249	01/30/99	Vicodin ES	60
4070249	02/15/99	Vicodin ES	60
4070249	03/01/99	Vicodin ES	60

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (8) Frank Lancz did, on March 12, 1999, and again on March 23, 1999, 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: on each occasion Frank Lancz sold 3ml of Stadol NS 10mg/ml, a schedule IV controlled substance, to Patient #1 without a legitimate medical purpose pur-

suant to prescription number 4071296. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (9) Frank Lancz did, from March 12, 1999, through June 24, 1999, sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: throughout this time period Frank Lancz sold 540 unit doses of Lorcet, a schedule IV controlled substance, to Patient #1 without a legitimate medical purpose:

<u>Rx Number</u>	<u>Date</u>	<u>Drug/Strength</u>	<u>Quantity</u>
4071295	03/12/99	Lorcet	90
4071295	04/11/99	Lorcet	90
4071295	05/03/99	Lorcet	90
4071295	06/01/99	Lorcet	90
4071295	06/15/99	Lorcet	90
4071295	06/24/99	Lorcet	90

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (10) Frank Lancz did, on or about March 30, 1999, 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: Frank Lancz sold 20 unit doses of Endocet 5-325mg, a schedule II controlled substance, to Patient #2 without a legitimate medical purpose pursuant to prescription number 2010874. Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.
- (11) Frank Lancz did, on or about April 2, 1999, through July 5, 1999, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Frank Lancz sold the following schedule II controlled substances to Patient #2 without a legitimate medical purpose:

<u>Rx Number</u>	<u>Date</u>	<u>Drug/Strength</u>	<u>Quantity</u>
2010875	04/02/99	Dilaudid 2mg tablets	60
2010933	04/20/99	Dilaudid 2mg tablets	40
2011147	07/05/99	Endodan	40

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (12) Frank Lancz did, on or about April 2, 1999, and again on April 11, 1999, sell a controlled substance in an amount exceeding the bulk amount, but in an amount less than five times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Frank Lancz sold a total of 100 unit doses of Morphine Sulfate 10mg, a schedule II controlled substance, to

Patient #2 without a legitimate medical purpose pursuant to the following prescriptions:

<u>Rx Number</u>	<u>Date</u>	<u>Drug/Strength</u>	<u>Quantity</u>
2010876	04/02/99	Morphine Sulfate 10mg tablets	60
2010904	04/11/99	Morphine Sulfate 10mg tablets	40

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (13) Frank Lancz did, from on or about April 11, 1999, through May 17, 1999, sell a controlled substance in an amount exceeding five times the bulk amount, but in an amount less than fifty times that amount, when the conduct was not in accordance with Chapters 3719., 4729., and 4731. of the Ohio Revised Code, to wit: Frank Lancz sold a total of 360 unit doses of Morphine Sulfate 30mg, a schedule II controlled substance, to Patient #2 without a legitimate medical purpose pursuant to the following prescriptions:

<u>Rx Number</u>	<u>Date</u>	<u>Drug/Strength</u>	<u>Quantity</u>
2010905	04/11/99	Morphine Sulfate 30mg tablets	60
2010932	04/20/99	Morphine Sulfate 30mg tablets	60
2010980	05/03/99	Morphine Sulfate 30mg tablets	120
2011018	05/17/99	Morphine Sulfate 30mg tablets	120

Such conduct is in violation of Section 2925.03(A) of the Ohio Revised Code.

- (14) Frank Lancz did, on or about the following dates, sell at retail dangerous drugs, to wit: on each occasion Frank Lancz created prescriptions and/or sold dangerous drugs to Patient #1, without a legitimate medical purpose:

<u>Rx Number</u>	<u>Date</u>	<u>Drug/Strength</u>	<u>Quantity</u>
4065299	12/22/97	Dihistine DH	240ml
6402627	11/18/97	Diphenhydramine 50mg/ml (10ml inj)	3
6411689	02/19/98	Diphenhydramine 50mg/ml (10ml inj)	3
6411689	03/09/98	Diphenhydramine 50mg/ml (10ml inj)	3
6411689	03/20/98	Diphenhydramine 50mg/ml (10ml inj)	3
6411689	04/08/98	Diphenhydramine 50mg/ml (10ml inj)	3
6411689	05/10/98	Diphenhydramine 50mg/ml (10ml inj)	3
6411689	05/22/98	Diphenhydramine 50mg/ml (10ml inj)	3
6441733	02/04/99	Diphenhydramine 50mg/ml (10ml inj)	3
6441733	02/26/99	Diphenhydramine 50mg/ml (10ml inj)	3
6441733	03/11/99	Diphenhydramine 50mg/ml (10ml inj)	3
6441733	03/30/99	Diphenhydramine 50mg/ml (10ml inj)	3
6393349	08/13/97	Nalbuphine Injection 20mg/ml	20ml
6393349	08/28/97	Nalbuphine Injection 20mg/ml	20ml
6393349	09/08/97	Nalbuphine Injection 20mg/ml	20ml
6396585	09/18/97	Nalbuphine Injection 20mg/ml	30ml
6396585	10/02/97	Nalbuphine Injection 20mg/ml	30ml
6396585	10/16/97	Nalbuphine Injection 20mg/ml	30ml
6400640	10/29/97	Nalbuphine Injection 20mg/ml	30ml

6400640	11/10/97	Nalbuphine Injection 20mg/ml	30ml
6400640	11/20/97	Nalbuphine Injection 20mg/ml	30ml
6400640	12/12/97	Nalbuphine Injection 20mg/ml	30ml
6400640	01/06/98	Nalbuphine Injection 20mg/ml	30ml
6436445	12/04/98	Nalbuphine Injection 20mg/ml	10ml
6441732	02/04/99	Nalbuphine Injection 20mg/ml	30ml
6441732	02/26/99	Nalbuphine Injection 20mg/ml	30ml
6441732	03/22/99	Nubain Injection 20mg/ml	30ml
<u>Rx Number</u>	<u>Date</u>	<u>Drug/Strength</u>	<u>Quantity</u>
6441732	04/02/99	Nalbuphine Injection 20mg/ml	30ml
6441732	06/04/99	Nalbuphine Injection 20mg/ml	30ml
6441732	06/21/99	Nalbuphine Injection 20mg/ml	30ml
6441732	07/01/99	Nalbuphine Injection 20mg/ml	30ml
6455509	07/18/99	Nalbuphine Injection 20mg/ml	30ml
6416142	04/08/98	Viagra 100mg	30

Such conduct is in violation of Section 4729.51(C)(1) of the Ohio Revised Code.

- (15) Frank Lancz did, on or about July 20, 1999, knowingly possess a dangerous drug when not in accordance with Chapters 3719. and 4729. of the Ohio Revised Code, to wit: Frank Lancz voluntarily turned over the following dangerous drugs, that were in his possession at his residence, to law enforcement:

Three vials of Nalbuphine 20mg/ml  
 Three vials of Benadryl 50mg/ml  
 One box of Maxalt-mlt 10mg  
 Twelve tablets of Mavik 4mg  
 Eight Librax capsules  
 One bottle of Hurricane Topical Gel  
 One bottle of Nystatin suspension

Such conduct is in violation of Section 4729.51(C)(3) of the Ohio Revised Code.

- (16) Frank Lancz did, on or about July 20, 1999, possess for sale hypodermics as drug paraphernalia when not in accordance with Chapters 3719. and 4729. of the Ohio Revised Code, to wit: Frank Lancz voluntarily turned over, to law enforcement, used and unused hypodermics that were in his possession at his residence for purposes of furnishing them to another, but not for a legitimate medical use. Such conduct is in violation of Section 2925.14(C)(2) of the Ohio Revised Code.
- (17) Frank Lancz did, on or about January 3, 1995, sell a misbranded drug, to wit: while working at St. Charles Hospital in Oregon, Ohio, Frank Lancz compounded a solution for the chemotherapy drug 5-fluorouracil. A pharmacy technician had concerns about the compounding process and questioned Frank Lancz twice about a possible compounding error. Frank Lancz determined that the solution was correct. The solution was sent to the nursing unit. A nurse noticed that the solution was reddish/orange in color; however, after double checking the label, order, and drug book, the drug was administered to the patient who was placed in

serious risk. As a result, Frank Lancz's employment was terminated. Such conduct is in violation of Section 3715.52 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) through (16) of the Findings of Fact constitute being guilty of a felony or 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 (16) of the Findings of Fact constitute being guilty of dishonesty and 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 paragraph (17) of the Findings of Fact constitutes 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.
- (4) Upon consideration of the record as a whole, the State Board of Pharmacy concludes that paragraphs (2) through (17) of the Findings of Fact constitute being guilty of willfully violating, conspiring to violate, attempting to violate, or aiding and abetting the violation of provisions of Chapters 2925., 3715., and 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 in the matter of Frank Lancz:

- (A) On the basis of the Findings of Fact and paragraph (1) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-3-12072, held by Frank Lancz effective as of the date of the mailing of this Order.
- (B) On the basis of the Findings of Fact and paragraphs (2) and (3) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-3-12072, held by Frank Lancz effective as of the date of the mailing of this Order.
- (C) On the basis of the Findings of Fact and paragraph (4) of the Conclusions of Law set forth above, the State Board of Pharmacy hereby revokes the pharmacist identification card, No. 03-3-12072, held by Frank Lancz effective as of the date of the mailing of this Order.

Division (B) of Section 4729.16 of the Ohio Revised Code requires that any individual whose identification card is revoked, suspended, or refused, shall return the identification card and

will certificate to the office of the State Board of Pharmacy within ten days after receipt of notice of such action. The wall 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 (Aye-7/Nay-0).

MOTION CARRIED.

SO ORDERED.

**ORDER EFFECTIVE APRIL 12, 2000**