

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
JAN 17 2014
KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
LEIGH ANGELL, R.Ph.) Case No. 13-141
Kansas License No. 1-12362)

STIPULATION AND FINAL AGENCY ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Pharmacy Board (the "Board") and Leigh Angell, R.Ph. (the "Respondent") as follows:

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden, Haynes & Forbes, 555 South Kansas Avenue, Suite 303, Topeka, Kansas 66603. The Respondent is represented herein by her attorney,

2. The Board is the Kansas agency vested with the authority to carry out and enforce the provisions of the Kansas Pharmacy Law, K.S.A. 65-1626 *et seq.*, including conducting hearings and proceedings to revoke, suspend or otherwise discipline a Kansas license to practice pharmacy.

3. The Respondent is presently entitled to engage in the practice of pharmacy in the State of Kansas by reason of the Board having issued her Kansas license number 1-12362. At all times relevant hereto, the Respondent has held a current license to engage in the practice of pharmacy in the State of Kansas.

4. The Board has received certain information, has investigated and has determined that there are reasonable grounds to believe that the Respondent has committed an act or acts in violation of the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.*

Respondent hereby admits and waives any further proof in this or any other proceeding before or initiated by the Board that prior to November 21, 2013, when she agree to the Board entering a Consent Order herein, she had become addicted to liquor to such a degree as to render her unfit to practice the profession of pharmacy..

The Board finds and concludes that Respondent's conduct, as described above, violates various provisions of the Pharmacy Act and regulations promulgated pursuant and is grounds for disciplinary action against her license to practice pharmacy in the State of Kansas pursuant to K.S.A. 65-1627 (a)(4).

5. The Board finds and the Respondent agrees that the following disposition is just and appropriate under the circumstances:

A. IMPAIRED PROVIDER PROGRAM. If Respondent is not currently a party to an agreement with the Kansas Pharmacists Association Committee on Impaired Pharmacy Practice Program ("CIPP"), the Respondent shall immediately enter into an agreement with CIPP for a period of no less than 5 years. Respondent shall fully cooperate with the recommendations and requirements of the persons managing and implementing CIPP, the recommendations and requirements of the persons managing and implementing the evaluation and treatment programs recommended or required by CIPP and the further requirements of the Board. Respondent shall at all times be in full compliance with the requirements of her CIPP agreement and other requirements placed upon her by CIPP. The Licensee shall authorize CIPP and any provider of evaluation or treatment programs she engages in to provide full and complete documentation and information regarding the Respondent's involvement in the programs, her evaluations and treatment, including, but not limited to, all records and medical reports. *The Respondent shall not be released from the requirements of her CIPP agreement*

until she has made a request to the Board for release, appeared before the Board and provided proof sufficient to the Board that she has been in substantial compliance with the CIPP agreement for a 5-year period.

B. OTHER REQUIREMENTS. Respondent acknowledges and agrees that as a condition of this Stipulation and Final Agency Order she must:

1. Comply fully with this Stipulation and Final Agency Order;
2. Comply fully with the Kansas Pharmacy Act, the Board's rules and regulations and all state and federal laws relating to Kansas pharmacists;
3. Appear at 10:05 a.m. on January 17, 2014 at the Board meeting at which time the Stipulation will be considered by the Board. The meeting will be held at the Board of Healing Arts, Board Room, 800 SW Jackson, Lower Level, Topeka, Kansas 66612. It shall be the Respondent's responsibility to contact the Board's Executive Director at the Board office to verify the time and place when the Stipulation shall be considered.

6. Respondent agrees that all information in the possession of the Board's Investigation Member, its staff, its investigators and its attorney regarding the investigation which led to this disciplinary action and all information discovered during the pendency of the disciplinary action may be disclosed to and considered by the Board as part of the presentation and consideration of the proposal of settlement in the form of this Stipulation and Final Agency Order and the Final Order provided for herein, with or without the presence of the Respondent or her attorney. In the event that this Stipulation and Final Agency Order and the Final Order provided for herein are not accepted and approved by the Board, the Respondent further waives any objection to the Board members' consideration of this Stipulation and Final Agency Order or the information mentioned in the preceding sentence and further agrees to waive any claim

of a due process violation or the right to seek the disqualification of any Board member as a result of the Board member's consideration of said document and information.

7. The stipulations contained herein shall not become binding until this Stipulation and Final Agency Action is approved by the Board and the Final Order provided for herein is entered by the Board. The Respondent acknowledges that the approval of the Board's attorney or the Board's Investigation Member shall not constitute the approval of the Board or bind the Board to approve this Stipulation and Final Agency Action or the Final Order provided for herein.

8. The Respondent agrees that this Stipulation and Final Agency Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it and enter the Final Order provided for herein. The Respondent further agrees that the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.* is constitutional on its face and as applied in this case.

9. This stipulation constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by them. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

10. The Respondent acknowledges that she has the following rights:

- A. To have formal notice of charges served upon her;
- B. To file a response to the charges;
- C. To have notice of and participate in a formal adjudicative hearing with the Board making specific findings of facts and conclusions of law based only upon evidence admitted at such hearing.

D. To take advantage of all applicable provisions of the Kansas Administrative Procedures Act and the Act for Judicial Review and Civil Enforcement of Agency Action.

The Respondent freely waives these rights and acknowledges that said waiver is made voluntarily and in consideration of the Board's limiting the disciplinary action taken against her to those provided for herein. The Respondent further waives the right to seek reconsideration or appeal or otherwise contest this Stipulation and Final Agency Order and the Final Order provided for herein.

11. The Respondent acknowledges that she enters into this Stipulation and Final Agency Order freely and voluntarily after consultation with counsel of her choosing or an opportunity to do so. The Respondent further acknowledges that she has read this Stipulation and Final Agency order in its entirety, that she understands its legal consequences and that she agrees that none of its terms are unconscionable, arbitrary or capricious.

12. Time is of the essence to this Stipulation and Final Agency Order. Respondent acknowledges and agrees that any violation of this Stipulation and Final Agency Order or her CIPP agreement shall constitute a willful violation of a lawful Board order and grounds for further disciplinary action against her. The pendency of any disciplinary action arising out of an alleged violation of this Stipulation and Final Agency Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Stipulation and Final Agency Order.

13. This Stipulation and Final Agency Order constitutes the entire and final agreement of the parties. In the event any provision of this Stipulation and Final Agency Order is deemed invalid or unenforceable by a court of competent jurisdiction, it shall be severed and

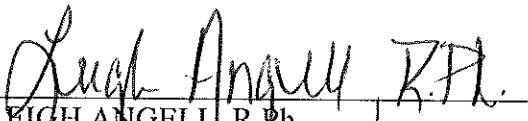
the remaining provisions of this Stipulation and Final Agency Order shall be given full force and effect.

14. Upon execution by all parties, this Stipulation and Final Agency Order shall be a public record in the custody of the Board.

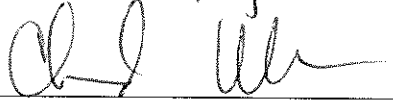
15. This Stipulation and Final Agency Order shall become effective on the day it is approved, accepted and made an order of the Board by way of signature of the Board's authorized representative.

16. The Respondent acknowledges that she has been advised by the Board that she would have the right within 15 days after service of the Final Order provided for herein to file a petition for reconsideration with the Board and the right within 30 days after service of the Final Order provided for herein to file a petition for judicial review in the District Court of Shawnee County, Kansas in accordance with the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* and to serve such a petition for judicial review on the Kansas Pharmacy Board by serving Debra L. Billingsley, its Executive Director at 800 SW Jackson Street, Suite 1414, Topeka, KS 66612. The Respondent hereby waives those rights.

AGREED AND ACCEPTED BY:


LEIGH ANGELL, R.Ph.

12/18/13
Date


CHAD ULLOM, R.Ph.
Investigation Member

1/17/14
Date

APPROVED BY:

Date

Randall J. Forbes

Randall J. Forbes, #09089
FRIEDEN, UNREIN & FORBES, LLP
555 S. Kansas Avenue, Suite 303
Topeka, KS 66603
(785) 354-1100

1/17/2014

Date

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
LEIGH ANGELL, R.Ph.)
Kansas License No. 1-12362)

Case No. 13-141

Received By
DEC 27 2013
JAN 17 2014
KANSAS STATE
BOARD OF PHARMACY
Board of Pharmacy


FINAL ORDER

Upon motion duly made, seconded and passed, the Kansas Pharmacy Board (the "Board") approves and accepts the within Stipulation and Final Agency Order and incorporates the provisions thereof as the Final Order of the Board, including but not limited to the following requirements:

If Respondent is not currently a party to an agreement with the Kansas Pharmacists Association Committee on Impaired Pharmacy Practice Program ("CIPP"), the Respondent shall immediately enter into an agreement with CIPP for a period of no less than 5 years. Respondent shall fully cooperate with the recommendations and requirements of the persons managing and implementing CIPP, the recommendations and requirements of the persons managing and implementing the evaluation and treatment programs recommended or required by CIPP and the further requirements of the Board. Respondent shall, at all times, be in full compliance with the requirements of her agreement with CIPP and other requirement placed upon her by CIPP. The Respondent shall authorize CIPP and any provider of evaluation or treatment programs she engages in to provide full and complete documentation and information regarding the Respondent's involvement in the programs, her evaluations and treatment, including, but not limited to, all records and medical reports. *The Respondent shall not be released from the requirements of her CIPP agreement until she has made a request to the Board for release, appeared before the Board and provided proof sufficient to the Board that she has been in substantial compliance with the CIPP agreement for a 5-year period.*

ENTERED AND EFFECTIVE this 17 day of JANUARY, 2005¹⁴

KANSAS PHARMACY BOARD

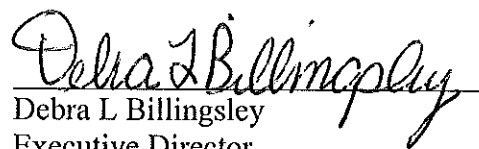
By: 
DAVID R. SCHOECH, R.Ph.
President

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing STIPULATION AND FINAL AGENCY ORDER was served by depositing same in the United States mail, postage prepaid, this 21 day of January, 2014 addressed to:

Randall J. Forbes
FRIEDEN, HAYNES & FORBES
555 S. Kansas Avenue, Suite 303
Topeka, KS 66603

Leigh Angell, R.Ph.
PO Box 367
Hugoton, KS 67951


Debra L Billingsley
Executive Director
KANSAS PHARMACY BOARD