

BEFORE THE STATE BOARD OF PHARMACY  
OF THE STATE OF KANSAS

In the Matter of

Allen Levi Asher,  
License No. 7854

STIPULATION OF FINDING OF FACT AND ORDER

This matter comes before the State Board of Pharmacy for the State of Kansas, this 2nd day of November 1991.

The State Board of Pharmacy appears by Hoyt Kerr, President and Presiding Officer, Dana Creitz, Vice-President; Kathleen Mahanna, Pharmacist; Barbara Renick, Pharmacist; Charlotte Brock, Pharmacist; and Margaret Young, Consumer Representative. Also appearing are Tom C. Hitchcock, Executive Secretary, and the attorney for the Board, Dana W. Killinger. Allen Levi Asher appears personally.

Allen Levi Asher states that he has been advised of his procedural rights under the Pharmacy Practice Act and Administrative Procedure Act, wherein Counsel for the Board advised Allen Levi Asher of his rights to a formal hearing wherein he had a right to be represented

by counsel, call witnesses on his behalf, cross examine the Board's witnesses and other procedural rights.

Counsel further advised Allen Levi Asher of the statutory sections of the law which were allegedly violated and the statute giving the Board jurisdiction in the matter. Whereupon, Allen Levi Asher waived his right to formal hearing.

Allen Levi Asher further states that no issue of fact exists and wishes to stipulate to the following findings of fact and accepts the order of the State Board of Pharmacy, to-wit:

1. That Allen Levi Asher is a licensed pharmacist in the State of Kansas holding License No. 7854.

2. That Allen Levi Asher is the Pharmacist in Charge of Asher Pharmacy, Registration No. 4489 located at 19 S. Pearl, Paola, Kansas 66071.

Count I

3. That the following Prescription Numbers N-556813, N-562789, N-562171, N-564381, N-563387, N-561166, N-56122, RN-559852, N-557947, N-560915, N-557418 and N-0554799 all for C II controlled substances written by the practitioners

for brand name drugs and all were filled with generic brand name drugs, violations of K.S.A. 65-1637(a), K.S.A. 65-657(o) and K.S.A. 65-4123(b).

Count II

4. That the following prescription numbers N-560667, N-557090 and N-554876 all written by the practitioner for Dexadrine and said prescriptions had no diagnosis on the prescription, a violation of K.S.A. 65-2837a.

5. That Allen Levi Asher has failed to comply with the statutory and regulatory requirements imposed by the State upon pharmacists licensed by the State.

6. That the State Board of Pharmacy of the State of Kansas pursuant to K.S.A. 65-1627(a),(5),(6) and (8) has jurisdiction and power to revoke, suspend or place on probation said Allen Levi Asher.

IT IS THEREFORE ORDERED that Allen Levi Asher, License No. 7854 be placed on probation for a period of one year and that he take the pharmacy law exam within 30 days at the Board office and pass with a score of 75%.

Hoyt Kerr

Hoyt Kerr, President  
Kansas State Board of Pharmacy

DATED: This 2nd day of November, 1991.

I, Allen Levi Asher, have hereby read the foregoing Stipulations and Order and fully understand the violations to which I am stipulating to and understand the terms of the Stipulation.

Allen Levi Asher

Allen Levi Asher

DATED: This 2nd day of November, 1991.

PREPARED BY:

Dana W. Killinger  
Dana W. Killinger, Attorney  
Kansas State Board of Pharmacy

APPROVED:

Tom C. Hitchcock  
Tom C. Hitchcock, Executive  
Secretary, Kansas State Board  
of Pharmacy