



BEFORE THE STATE BOARD OF PHARMACY
FOR THE STATE OF KANSAS

STATE BOARD OF PHARMACY
FOR THE STATE OF KANSAS

Plaintiff,

VS.

WILLIAM P. BAYS,

Defendant.

ORDER OF REINSTATEMENT OF LICENSE

This matter comes regularly for hearing on this 29th day of June, 1996, on the motion of William Bays for reinstatement of his license.

The Board appears by Karla Kneebone, President and Presiding Officer; Barry Sarvis, Vice-President; Monte Baugher, Pharmacist; Glen Mathis, Pharmacist; and Dr. Margaret Young, Consumer Representative. Also appearing are Larry Froelich, Executive Secretary, and the attorney for the Board, Dana W. Killinger. William Bays appears in person and with his wife, Mrs. Vicki Bays and with Mrs. Etta Williams of the C.I.P.P. Committee.

Whereupon the Board heard statements by William Bays, Etta Williams and the Board counsel, Dana W. Killinger.

After considering the statements of Defendant, Etta Williams and counsel, Dana W. Killinger, the Board went into Executive Session for quasi-judicial reasons and

upon returning to open session announced it's decision.

IT IS THEREFORE ORDERED by the Board that the license of William P. Bays be reinstated with the following limitations, conditions and restrictions:

1. That he be placed on probation for Five (5) years.
2. That he cannot serve as Pharmacist in Charge.
3. That he enroll in the C.I.P.P. Program on an indefinite basis or until further order of the Board.
4. That he take and pass the Law examination at the Board office within Sixty (60) days.
5. That he complete Thirty (30) CE credits within Sixty (60) days.
6. That he make payment of all fees and costs of this matter including fees and costs.
7. The Board requests that Vicki Bays enroll in some substance abuse program.

Upon William Bays taking the Law Examination, showing proof of completion of 30 CE credits and paying all fees and costs, William Bays license to practice pharmacy shall be reinstated. The 60 days shall commence upon the Presiding Officer and Board President signing this Order.

Dated this 8th day of July, 1996.

Karla Kneebone "
Karla Kneebone
President and Presiding Officer
State Board of Pharmacy
for the State of Kansas

CERTIFICATE OF MAILING

I hereby certify that a copy of the above and foregoing Order of Reinstatement of License was mailed First class postage prepaid, on this 8th day of July, 1996, addressed to the following:

William P. Bays
2314 S. Pershing
Wichita, KS 67218

Karla Kneebone
Karla Kneebone

BEFORE THE STATE BOARD OF PHARMACY
OF THE STATE OF KANSAS

STATE BOARD OF PHARMACY
OF THE STATE OF KANSAS

Plaintiff,

VS.

WILLIAM P. BAYS,
License No. 1-10090,

Defendant.

FINAL ORDER

The above captioned matter comes before the Board for Formal Hearing this 20th day of January at 2:00 P.M. at the Clubhouse Inn Meeting Room, 924 SW Henderson Road, Topeka, Kansas.

The State Board of Pharmacy of the State of Kansas appears by Hoyt Kerr, President and Presiding Officer; Glen Mathis, Vice-President; Dana Creitz, Pharmacist; Monte Baugher, Pharmacist; Charlotte Brock, Pharmacist; and Dr. Margaret Young, Consumer Representative. Also appearing are Tom C. Hitchcock, Executive Secretary, and the attorney for the Board, Dana W. Killinger. Defendant appears personally and without counsel.

No preliminary matters are taken under consideration, counsel for Plaintiff calls his only witness, Detective Kent E. Koehler. After Detective Koehler's testimony,

Defendant William Bays, under oath, makes a brief statement.

Thereupon the Board went into Executive Session for quasi-judicial reasons. Upon returning to open meeting the Board made the following finding of fact and law and made the following ruling.

FINDING OF FACT AND LAW

1. Based on the testimony of Detective Kent Koehler, the Board finds that there is substantial evidence that Defendant admitted a prescription for Stadol was for his wife and Defendant had no doctor prescription, a violation of 21 U.S.C. 353(b)(1)(B) and K.S.A. 65-1637(a).

2. Based on the testimony of Detective Kent Koehler, the Board finds that there is substantial evidence that Defendant, by his own admission, was supplying his wife with prescription only drugs without a doctors prescription, a violation of 21 U.S.C. 353(b)(1)(B) and K.S.A. 65-1637(a).

3. Based on the testimony of Detective Kent Koehler, the Board finds that there is substantial evidence that Defendant, by his own admission, while he was a pharmacist at Wesley Medical Center, was caught with hydrocodonone, a Class III controlled substance, in his pocket, a violation of 21 U.S.C. 353(b)(1)(B), 21 U.S.C. 841(A)(2), 21 U.S.C. 843(a)(2), K.S.A. 65-1637(a), K.S.A. 65-4121 and K.S.A.

65-4125(c).

4. Based on the testimony of Detective Kent Koehler, the Board finds that there is substantial evidence that Defendant, by his own admission, stated he had taken Vi-Q-Tuss, a prescription drug, controlled substance, Class IV from Walgreen Rxpress, without a prescription, a violation of 21 U.S.C. 353(b)(1)(B), 21 U.S.C. 841(a)(2), 21 U.S.C. 843(a)(2), K.S.A. 65-1637(a), K.S.A. 65-4121 and K.S.A. 65-4125.

Pursuant to 65-1627(a)(3)(5) and (13) the State Board of Pharmacy of the State of Kansas has authority to revoke, suspend, place on probation or deny licensure renewal.

IT IS THE ORDER OF THIS BOARD that the Pharmacy License of William P. Bays, License No. 1-10090 be revoked and that pursuant to K.S.A. 65-1627h, Defendant pay costs herein.

Pursuant to K.S.A. 77-526 the Defendant is advised of the following administrative remedies:

(A) Pursuant to K.S.A. 77-529, Defendant has Fifteen (15) days from service of the Final Order to file a Petition upon the Agency Head for reconsideration.

(B) Pursuant to K.S.A. 77-528, Defendant may submit a petition on the Agency Head for a state of the Final

Order.

(C) If no action is taken on the Petition for Reconsideration within Twenty (20) days from filing, the Petition is deemed denied, K.S.A. 77-529(b), and the Defendant has Thirty (30) days to file a Petition for Judicial Review, K.S.A. 77-613.

(D) Defendant may make application for reinstatement of his license to practice pharmacy One (1) year from the effective date of this Final Order, K.S.A. 65-1627a.

Dated this 27th day of January, 1995.

Hoyt Kerr
Hoyt Kerr, President
and Presiding Officer
State Board of Pharmacy of
the State of Kansas

CERTIFICATE OF MAILING

I hereby certify that a copy of the above and foregoing Order was mailed Certified, Return Receipt Requested, on this 27 day of January, 1995, addressed to the following:

William P. Bays
2013 Rosalie
Wichita, KS 67207

James W. Killinger
James W. Killinger
1505 SW Harrison St.
Topeka, KS 66612-1811
(913) 232-9616
Attorney for the State
Board of Pharmacy
of the State of Kansas