

CONFIDENTIAL

BEFORE THE KANSAS BOARD OF PHARMACY

Filed

AUG 15 2008

KANSAS STATE
Board of Pharmacy

In the Matter of)
)
JAMES CAVE, R.Ph.)
)
Kansas License No. 12218)

Case No.

08-93
~~08-61~~

CONSENT AGREEMENT

THIS CONSENT AGREEMENT is entered into this 13~~th~~ day of August, 2008
by and between James Cave, R.Ph., (the "Licensee") and the Kansas Board of Pharmacy
(the "Board").

WITNESSETH:

WHEREAS, the Licensee presently holds a license to practice pharmacy in the
State of Kansas issued by the Board; and

WHEREAS, the Board is the state agency empowered to enforce the Kansas
Pharmacy Act, K.S.A. 65-1625, *et seq.* (the "Act"), including the use of disciplinary
actions to suspend, revoke or limit the licenses of Kansas pharmacists who violate the
Act; and

WHEREAS, on March 6, 2007, the Board entered a Final Order in the above-
captioned matter, the terms of which had been agreed to by the Licensee (the "Stipulated
Order"); and

WHEREAS, the terms of the Stipulated Order required the Licensee become a
party to an agreement with the Kansas Pharmacy Impaired Provider Program (the
"Program") and remain in fully compliance with the requirements of the Program; and

WHEREAS, the requirements of the Program included that the Licensee not ingest alcohol and that he submit to random urine drug screens; and

WHEREAS, on July 30, 2008 the Board received notification that the Licensee's July 9, 2008 urine drug screen was positive for alcohol in a significant quantity and that the Licensee was, therefore, out of compliance with the Program; and

WHEREAS, the Board is willing to temporarily withhold initiating an emergency proceeding suspending or otherwise limiting the Licensee's Kansas license in return for certain agreements by the Licensee as detailed herein.

THEREFORE, for good and valuable consideration the Licensee and the Board agree as follows:

1. The Board will temporarily withhold initiating an emergency proceeding suspending or otherwise limiting the Licensee's Kansas license to practice pharmacy in the State of Kansas based upon the Licensee's agreement to do the following:

a. The Licensee will immediately cease practicing pharmacy in Kansas and shall not again resume the practice of pharmacy in Kansas without the subsequent written agreement of the Board.

b. The Licensee, if he has not already done so, shall immediately enter into an evaluation and treatment program, totally at the Licensee's cost, as directed from time to time by the Kansas Pharmacy Impaired Provider Program and as approved from time to time by the Board and shall continue to fully cooperate with the recommendations and requirements of the persons managing or implementing the Kansas Pharmacy Impaired Provider Program, the recommendations and requirements of the persons managing or implementing the evaluation and treatment programs recommended

or required by the Kansas Pharmacy Impaired Provider Program and the further requirements of the Board.


C. The Licensee shall authorize the Kansas Pharmacy Impaired Provider Program and any provider of evaluation or treatment programs he engages in to provide full and complete documentation and information regarding the Licensee's involvement in the programs, his evaluations and treatment including, but not limited to, all records and medical reports.

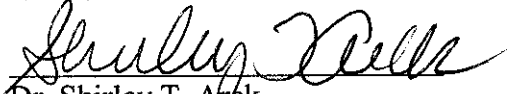
2. This agreement shall not constitute an admission by the Licensee that he has violated the Kansas Pharmacy Act.

3. Should the Board determine, in good faith but in its sole and exclusive discretion, that the Licensee has failed to comply with the provisions hereof, this agreement shall cease and shall not thereafter prevent, in any respect, the Board from initiating an emergency proceeding to suspend or otherwise limit the Licensee's Kansas License to practice pharmacy.

4. This agreement shall not prevent, in any manner, the Board from initiating a non-emergency proceeding to revoke, suspend or otherwise limit the Licensee's Kansas license to practice pharmacy.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed the day and year first above written.


James Cave, R.Ph.

KANSAS PHARMACY BOARD
By: 
Dr. Shirley T. Attk,
Investigation Member