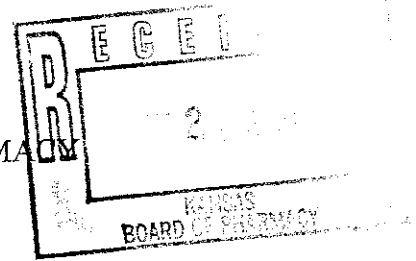


BEFORE THE KANSAS BOARD OF PHARMACY



In the Matter of)
)
DAVID A. CHILDERS)
Kansas License No. 1-12183)

File No. 99-64

STIPULATION AND FINAL AGENCY ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Board of Pharmacy (the "Board") and David A. Childers (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 by himself.

2. The Board is the Kansas agency vested with the authority to carry out and enforce the provisions of the Kansas Pharmacy Law, including conducting hearings and proceedings to revoke, suspend or otherwise discipline a person license to practice pharmacy in Kansas.

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 him Kansas license number 1-12183. At all times relevant hereto, the Respondent has held a current license to engage in the practice of ~~pharmacy~~ dentistry in the State of Kansas.

4. The Respondent desires to voluntarily and unconditionally surrender his license to the Board. The Board is willing to accept the surrender upon the entry of an agreed order of revocation

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

A. REVOCATION. Respondent's license to practice pharmacy in the State of Kansas shall be revoked.

B. PRIOR ORDER. On August 22, 1997 the Board and the Respondent agreed to a final agency order entitled Stipulation of Finding of Fact and Order (the "1997 Order"). The 1997 Order, among other things, required Respondent to contract with the C.I.P.P. Program for a period of 5 years and fully comply and cooperate with that program. It is understood by the parties hereto that because Respondent will no longer be a licensed pharmacist after the entry of the Final Agency Order contemplated hereby, he will not currently be obligated to continue with the C.I.P.P. Program.

C. SUBSEQUENT APPLICATION. Respondent agrees that should he seek to again be licensed to practice pharmacy in Kansas the Board may take into consideration the fact that Respondent has not completed the C.I.P.P. Program as directed in the 1997 Order along with all other relevant matters. Respondent further agrees that the Board may make his enrollment and compliance with the C.I.P.P. Program, or its replacement, a condition of any future licensure.

6. Respondent agrees that all information in the possession of the Board or its attorney regarding this agreement and proposed order and the matters which led to may be disclosed to and considered by the Board as part of the presentation and consideration of this Stipulation and Final Agency Order and the Final Order provided for herein, with or without the presence of the Respondent or his 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 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 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

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 he has the following rights:

- A. To have formal notice of charges served upon him;
- 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 matters contained 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 he enters into this Stipulation and Final Agency Order freely and voluntarily after consultation with counsel of his choosing. The Respondent further acknowledges that he has read this Stipulation and Final Agency order in its entirety, that he understands its legal consequences and that he agrees that none of its terms are unconscionable, arbitrary or capricious.

12. 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.


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

14. 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.

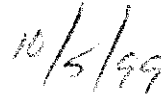
15. The Respondent acknowledges that he has been advised by the Board that he would have the right within 15 days after service of the Final Order provided for herein to file a petition for reconsideration with the Board and the right within 30 days after service of the Final Order provided for herein 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 Board of Pharmacy by serving Larry Froelich, its Administrative Secretary. The Respondent hereby waives those rights.

AGREED AND ACCEPTED BY:



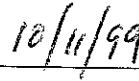
DAVID A. CHILDERS



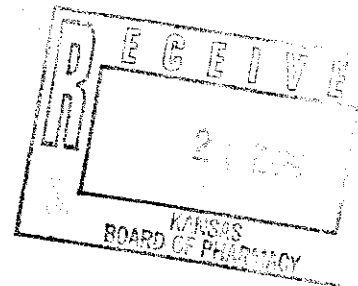
Date



Randall J. Forbes #09089
FRIEDEN, HAYNES & FORBES
555 S. Kansas Avenue, Suite 303
Topeka, KS 66603
(785) 232-7266
(785) 232-5841 FAX



Date



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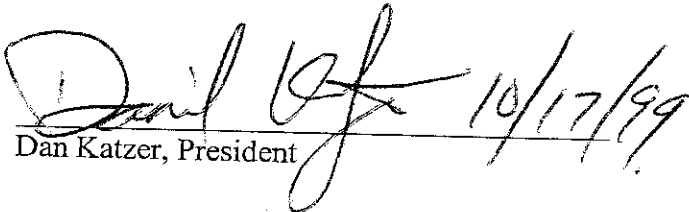
FINAL ORDER

Upon motion duly made, seconded and passed, the Kansas Board of Pharmacy (the "Board") approves and accepts the within Stipulation and Final Agency Order and incorporates the provisions thereof as the Final Order of the Board. The Respondent's Kansas license to practice pharmacy is revoked

ENTERED AND EFFECTIVE this 17th day of October, 1999.

KANSAS BOARD OF PHARMACY

By:

 10/17/99
Dan Katzer, President

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing STIPULATION AND FINAL AGENCY ORDER was served upon the Respondent and counsel by depositing same in the United States mail, postage prepaid, this 21ST day of October, 1999, addressed to:

Randall J. Forbes
FRIEDEN, HAYNES & FORBES
555 S. Kansas Avenue, Suite 303
Topeka, KS 66603
ATTORNEY FOR THE KANSAS BOARD OF PHARMACY

David A. Childers
418 NW Ambersham
Lee Summit, MO 64081



Larry Froelich
Administrative Secretary
KANSAS BOARD OF PHARMACY