



RECEIVED
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BEFORE THE KANSAS BOARD OF PHARMACY

IN THE MATTER)
)
OF)
)
DENNIS J. COCHRANE)
LICENSE NO. 1-09397)

Case No: 01-06

CONSENT AGREEMENT AND ORDER

Now on February 14, 2002, the above-captioned matter comes before the Kansas Board of Pharmacy (Board) by agreement of Dennis J. Cochrane (Respondent) and the Kansas Board of Pharmacy for the purpose of resolving the above-captioned matter.

Respondent hereby acknowledges the following:

1. Dennis J. Cochrane is currently, and at all times relevant, has been, licensed as a Pharmacist pursuant to K.S.A. 65-1627, et seq. with license #1-09397 which is subject to limitations set forth in the Board's March 14, 2001 Emergency Order, a true and correct copy of which is attached hereto as Exhibit A.
2. Respondent's address last known address is 100 West Moreland, Salina, Kansas 67401.
3. The Board received information concerning Respondent's conduct alleging Respondent may have violated the Pharmacy Act of the State of Kansas pursuant to 65-1625, et seq., and specifically K.S.A. 65-1627(a)(3) [unprofessional conduct -

defined by K.S.A. 65-1626(hh)(5) as the “unlawful possession of drugs and unlawful diversion of drugs to others], K.S.A. 65-1626(hh)(7) [unprofessional conduct - conduct likely to deceive, defraud or harm the public], K.S.A. 65-1627(a)(4) [addiction rendering licensee unfit to practice profession of pharmacy] and K.S.A. 65-1627(a)(13) [self-administration of a controlled substance without a practitioner’s prescription order].

4. The Board conducted an investigation concerning Respondent’s alleged violation of statutes and regulations.

HOWEVER, Respondent and the Board mutually desire to enter into a Consent Agreement and Order in lieu of adjudicative proceedings to resolve the alleged violations.

WHEREFORE, Respondent waives all rights to an adjudication of facts and law which could be determined pursuant to a hearing conducted in accordance with the Kansas administrative procedure act in relation to the facts set forth herein.

WHEREFORE, Respondent waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas act for judicial review in relation to the facts set forth herein.

WHEREFORE, Respondent agrees that the Board has jurisdiction in this matter and Respondent voluntarily submits to said jurisdiction.

WHEREFORE, Respondent agrees that the Board has probable cause to believe the allegations submitted in the petition.

WHEREFORE, Respondent advances the offer of surrender of his license in order to resolve the alleged violations.

WHEREFORE, Respondent consents and agrees to the following:

A. Voluntary Surrender of Kansas license #1-09397. Respondent hereby voluntarily surrenders his Kansas license #1-09397 to the Kansas Board of Pharmacy, with said surrender effective the date of this Order. The Board hereby accepts his surrender. Respondent agrees to forthwith return to the Board any and all licenses. Respondent expressly acknowledges, understands and agrees that upon the Board's acceptance of the surrendered license, that for purposes of reporting to a licensing clearing house, for reporting to any other jurisdiction where Respondent is currently licensed, for consideration of reinstatement, or if Respondent applies for licensure in another jurisdiction within the four year period mentioned below in paragraph (B), that the surrender shall be treated and reported as a revocation for the reasons stated in the petition. Respondent further expressly acknowledges, understands and agrees that good cause exists for the making and entering of said Final Order.

B. 4 Year Stay on Application for Licensure. Respondent acknowledges, accepts and agrees that he will not apply to the Board for licensure for a period of four (4) years from the effective date of the Emergency Order in this matter which was March 14, 2001. Respondent accepts and agrees that he will not apply to the Board of another jurisdiction for licensure as pharmacist for a period of four (4) years from the effective date of the Emergency Order in this matter which was March 14, 2001. The 4 year period would then expire on March 14, 2005.

C. Consideration of Evidence in the Event of Application for Licensure.

Respondent understands that the Board will terminate further proceedings in this matter. In the event Respondent applies to the Board for licensure at any time in the future, it is acknowledged, understood and agreed that the Board may consider evidence developed during the investigation and pendency of this matter, as well as the contents of the agency record in this matter, in making a determination of whether to grant any such application for licensure.

D. Acknowledgments and Affirmations. Respondent acknowledges that he has read the Consent Agreement and Order in its entirety and affirms that he enters into it voluntarily, after the opportunity to consult with counsel of his choice and with full understanding of its legal consequences. Respondent executes and submits the Consent Agreement and Order to the Board with the acknowledgment that once it is accepted, approved and made an order of the Board, it shall be given the same force and effect as a Final Order entered as a result of a formal disciplinary proceeding, specifically the pending administrative petition on file with the Board in case number 01-06. Respondent acknowledges that the Consent Agreement is not effective unless and until accepted by the Board as an order of the Board. If the Board does not accept the Consent Agreement and Order, Respondent waives any right he may have to object to the composition of any subsequent hearing panel due to the hearing panel members having knowledge of matters contained within the Consent Agreement and Order.

E. Reporting to Other Jurisdictions. Respondent acknowledges that notification of the Consent Agreement and Order, and the order of revocation, shall be provided to licensing clearing house and any other jurisdictions where Respondent is currently licensed as a revocation. In the event that Respondent applies for licensure within another state within 4 years from date of this order, it shall be reported as a revocation. After 4 years from the date of this order, the disposition of this case shall be reported to other jurisdictions as a voluntary acceptance of licensure in lieu of discipline. Notwithstanding any other provision of this document, the original of this document shall be kept in the Board's agency file and shall be considered an "open record" and its contents may be disclosed upon request.

F. Consent Agreement and Order Constitutes Entire Agreement.

Respondent acknowledges that the Consent Agreement and Order constitutes the entire agreement between Respondent and the Board, and may be modified or amended only by written agreement signed by Respondent and the Board or a designee of the Board, except as otherwise provided in the Consent Agreement and Order.

WHEREFORE, Respondent consents to the submission of the Consent Agreement and Order to the Kansas Board of Pharmacy and understands that upon approval of the Board, the Consent Agreement and Order becomes a Final Order of the Board.

WHEREFORE, the provisions above are consented to and are hereby made the final order of the Kansas Board of Pharmacy which becomes effective on the date indicated in the below Certificate of Service.

Upon the signing of this Order, the Board accepts the Respondent's surrender of his license #1-09397 and said license is hereby revoked as set forth above.

IT IS SO ORDERED.

2/19/02
Date

Vicki Schmidt
Vicki Schmidt
President, Kansas Board of Pharmacy

APPROVED AND CONSENTED TO:

Dennis J. Cochrane
Dennis J. Cochrane

2/11/02
(Date)

APPROVED AS TO FORM AND SUBSTANCE

Steve Schwarm
Steve Schwarm, #13232
Goodell, Stratton, Edmonds & Palmer, LLP
515 S. Kansas Ave., Topeka, KS
785-233-0593
Attorney for Respondent
Dennis J. Cochrane

02/14/02
(Date)

APPROVED AS TO FORM AND SUBSTANCE:

Steve Phillips

Steve Phillips, # 14130
Assistant Attorney General
Office of the Attorney General
120 SW 10th St., 2nd Floor
Topeka, KS 66612-15971
Attorney for the Kansas Board
of Pharmacy

2/25/02
(date)

CERTIFICATE OF SERVICE

This to certify that on the 21 day of February, 2002, a true and correct copy of the above and foregoing Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Dennis J. Cochrane
100 100 West Moreland,
Salina, Kansas 67401

Steve Schwarm
Goodell, Stratton, Edmonds & Palmer, L.L.P.
515 South Kansas Avenue
Topeka, Kansas 66603-3999

Steve Phillips
Assistant Attorney General
120 S.W. 10th Street, Second Floor
Topeka, Kansas 66612-1597

Susan Linn

Susan Linn, Executive Director
Kansas Board of Pharmacy

This page was amended ⁷
by addition of my signature
and resealed this 25th day of
February, 2002
Steve Phillips