

BEFORE THE STATE BOARD OF PHARMACY
OF THE STATE OF KANSAS

IN RE: THE MATTER OF

JAMES L. COENEN
License No. 1-11720
522 West 8th Street
Concordia, KS 66901

STIPULATION OF FINDING OF FACT AND ORDER:

This matter comes before the State Board of Pharmacy for the State of Kansas, this 5th day of April, 1997.

The State Board of Pharmacy appears by Karla Kneebone, President and Presiding Officer; Barry Sarvis, Vice-President; Dan Katzer, Pharmacist; Vicki Schmidt, Pharmacist; Lori Moore, Pharmacist; and Dr. Margaret Young, Consumer Representative. Also appearing are Larry Froelich, Executive Secretary, and the attorney for the Board, Dana W. Killinger. James L. Coenen appears personally, and with counsel, Robert Walsh.

James L. Coenen 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 James L. Coenen 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 James L. Coenen of the statutory sections of the law which were allegedly violated and the statute giving

the Board jurisdiction in this matter. Whereupon James L. Coenen waived his right to a Formal Hearing.

James L. Coenen 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. James L. Coenen is a licensed pharmacist in the State of Kansas, having License No. 1-11720.

2. That James L. Coenen is the Pharmacist in Charge and Owner of Medi-Cap Pharmacy, Registration No. 2-07873, located at 1500 Lincoln, Concordia, Kansas 66901.

3. That on or about April 3, 1996, said James L. Coenen or his agent, filled Prescription No. 047749 with a generic drug bumetanide and labeled said unit-dose packet "Bumex", a Brand name medication, manufactured by Hoffman LaRoche, a violation of ~~XX XXXXX XXXXX~~ and K.S.A. 65-657(a).

4. That on or about April 3, 1996, said James L. Coenen, or his agent, filled Prescription No. 047749 with a generic drug bumetanide and labeled said unit-dose packet "Bumex", a Brand name medication manufactured by Hoffman LaRoche, a violation of K.A.R. 68-7-16(a).

~~5. That said patient was Emma H. Tripp, a Medicaid patient and said James L. Coenen billed the State of Kansas~~ (LF)

~~Dept. of Social and Rehabilitation Services for a Brand name medication when, in fact, a generic medication was dispensed, a violation of K.S.A. 65-1627(a)(11).~~ (F)

6. That on or about March 28, 1996, said James L. Coenen or his agent filled Prescription No. 38743 with a generic drug captopril and labeled said unit-dose packet "Capoten", a Brand name medication, manufactured by Squibb, a violation of ~~XX U.S.C. XXX(D)~~ and K.S.A. 65-657(a).

7. That on or about March 28, 1996, said James L. Coenen or his agent, filled Prescription No. 38743 with a generic drug captopril and labeled said unit-dose packet "Capoten", a Brand name medication manufactured by Squibb, a violation of K.A.R. 68-7-16(a).

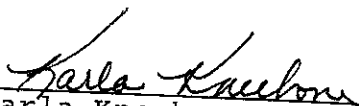
8. ~~That said patient was Jimmie Mason, a Medicaid patient and said James L. Coenen billed the State of Kansas Dept. of Social and Rehabilitation Services for a Brand name medication, when in fact, a generic medication was dispensed, a violation of K.S.A. 65-1627(a)(11).~~ (F)

The State Board of Pharmacy for the State of Kansas pursuant to K.S.A. 65-1627(a)(5), (8) and (11), has jurisdiction and power to revoke, suspend or place on probation and pursuant to K.S.A. 65-1658, fine said James L. Coenen.

IT IS THEREFORE ORDERED that James L. Coenen, License No. 1-11720 be fined \$75.00 per count. The total fine would then amount to \$300.00 (4 counts), to be paid within 30 days.

Mr. Coenen must also take and successfully pass the Kansas Pharmacy Law examination within thirty (30) days. This test will be administered in Topeka at the office of the Kansas State Board of Pharmacy.

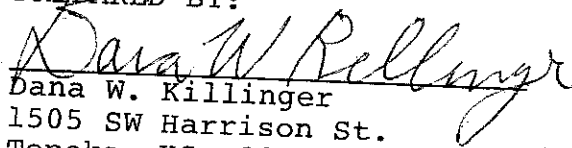
Dated this 5th day of April, 1997.


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

I, James L. Coenen, have hereby read the foregoing Stipulation and Order and fully understand the violations of which I am stipulating to and understand the terms of the Stipulation.


James L. Coenen

PREPARED BY:


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