

BEFORE THE STATE BOARD OF PHARMACY
OF THE STATE OF KANSAS

KANSAS STATE BOARD OF PHARMACY
of the State of Kansas,

Plaintiff,

vs.

BURTON CROWELL,
License No. 8002,

Defendant.

STIPULATION OF FINDING OF FACT AND ORDER

This matter comes before the State Board of Pharmacy for the State of Kansas this 24th day of January, 1993.

The State Board of Pharmacy appears by Dana Creitz, President and Presiding Officer; Charlotte Brock, Vice-President; ~~Kathleen Mahanna~~, Pharmacist; Barbara Renick, Pharmacist; Hoyt Kerr, Pharmacist; and Dr. Margaret Young, Consumer Representative. Also appearing are Tom C. Hitchcock, Executive Secretary, and the attorney for the Board, Dana W. Killinger. The Defendant, Burton Crowell appears in person.

Defendant 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 Defendant of his rights to a formal hearing wherein he had a right to be represented by counsel, call

witnesses on his behalf, cross-examine plaintiffs witnesses and other procedural rights. Counsel further advised Defendant of the statutory sections of the law which were allegedly violated and the statute giving the Board jurisdiction in the matter. Whereupon Defendant waived his right to formal hearing.

Defendant 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) That Defendant is Pharmacist in Charge and owner of Crowell Drug Co., a pharmacy, License Number 4635.

I

That on or about September 27, 1990, Board Inspector, Robert Duncan, during his annual inspection, found the following violations:

1. Two containers of unmarked prescription medications, a violation of K.S.A. 65-1634 and K.A.R. 68-7-16.
2. Three containers of outdated prescription medications, a violation of K.S.A. 65-1634.
3. Sample starterpaks of prescription medication on prescription shelf of anafranil, a violation of 21 U.S.C. 353(c)(1).

4. That the pharmacy's copy of the Kansas Pharmacy Act and Kansas Uniform Controlled Substances Act was not current, a violation of K.A.R. 68-2-12a(2).

5. That Prescription numbers 4993, 4976, 4967, 4954, 4947, 4944, 4936, 4934, 4931, 4926, 4924, 4920, 4918, 4915, 4910, and 4908 for a controlled substance did not have a physicians address, a violation of 21 C.F.R. 1306.05(a).

6. That Prescription number 4985 for a controlled substance did not have the date issued on it, a violation of 21 C.F.R. 1306.05(a).

II

That on or about September 19, 1991, Board Inspector Robert Duncan during his annual inspection, found the following violations:

7. That Prescription number 5100 for a controlled substance had no physicians address or DEA number, a violation of 21 C.F.R. 1306.05(a).

8. That Prescription number 5091 for a controlled substance had no DEA number, a violation of 21 C.F.R. 1306.05(a).

9. That Prescription numbers 5089 and 5083 for a controlled substance had no physicians address, a violation of 21 C.F.R. 1306.05(a).

III

That on or about September 22, 1992, Board Inspector Robert Duncan, during his annual inspection found the following violations:

10. The May 1991 Biennial Inventory of controlled substances was not taken, a violation of 21 C.F.R. 1304.03 and 21 C.F.R. 1304.13.
11. That 41 prescriptions for CII controlled substances written on Crowell Pharmacy blanks and signed by the physician as emergency phoned in prescriptions did not have on their face " Authorized For Emergency Dispensing", a violation of 21 C.F.R. 1306.11(d)(4).
12. That telephonically transmitted prescription by persons other than physicians did not have on their face, the names of the person calling in the prescription, a violation of K.S.A. 65-1637(b).
13. That a 222 Form did not bear the date the ordered controlled substance was received, a violation of 21 C.F.R. 1305.09(e).
14. That there were numerous containers for outdated prescription medication on the shelf in the pharmacy and specifically a container of 60 ml Polycillin PRB with an expiration date of January 1992, a violation of K.S.A.

65-1634.

15. That the State Board of Pharmacy of the State of Kansas, pursuant to K.S.A. 65-1627(a)(5) & (8) has jurisdiction and power to revoke, suspend or place on probation said Burton Crowell.

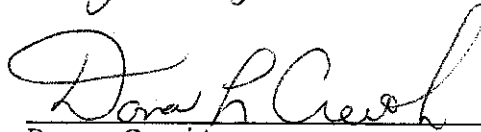
IT IS THEREFORE ORDERED that Burton Crowell, License No. 8002, be placed on probation for a period of three (3) years from this date.

That Burton Crowell take and pass with a grade of 75% within thirty (30) days from this date at the Board of Pharmacy Office in Topeka the law exam.

That said pharmacy be inspected twice a year.

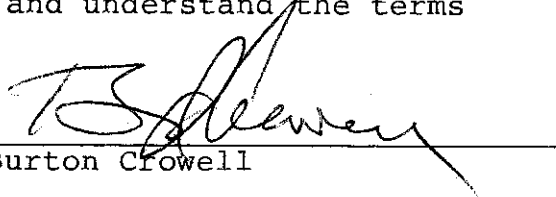
If there are any future violations of the Pharmacy Act or Controlled Substances Act of the State of Kansas such may result in revocation of Burton Crowell's license.

Dated: This 24th day of January, 1993.



Dana Creitz
President and Presiding Officer
State Board of Pharmacy of
the State of Kansas

I, Burton Crowell, have hereby read the foregoing Stipulations and Order and fully understand the violations to which I am stipulating to and understand the terms of the Stipulation.



Burton Crowell

PREPARED BY:



Dana 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

APPROVED:



Tom C. Hitchcock
Executive Secretary
State Board of Pharmacy of
the State of Kansas