

BEFORE THE  
KANSAS STATE BOARD OF PHARMACY  
Landon State Office Building, Room 513  
Topeka, Kansas 66612  
785/296-4056

In The Matter }  
 }  
of } Case No.  
 }  
WALGREENS PHARMACY, #3635 }  
Registered Pharmacist, #2-0912, } 9212  
Respondent }  
\_\_\_\_\_ }

CONSENT AGREEMENT AND ORDER

Now on this 24<sup>th</sup> day of June, 1999, the above-captioned matter comes before the Kansas State Board of Pharmacy (Board) by agreement of Walgreens Pharmacy, #3635, (Registrant) and the Kansas State Board of Pharmacy for the purpose of settling the above-captioned case.

Registrant hereby acknowledges the following:

1. Walgreens Pharmacy, #3635 is a registered pharmacy within the meaning of the Kansas Pharmacy Act, K.S.A. 65-1625 et seq. and amendments thereto.

2. On or about February 26, 1999 the Board received a report of information concerning Registrant's conduct alleging Registrant may have violated statutes and regulations governing the practice of pharmacy, to wit:

(a) On or about January 17, 1999, the respondent received prescription 134481-3635 for Charles Donohoo for 15 tablets of percocet.

(b) On January 17, 1999, Charles Donohoo received 50 tablets of percocet.

(c) On January 24, 1999, an incident report was filled out regarding the misfill of Charles Donohoo's prescription.

(d) On February 8, 1999, the respondent filed a DEA Form 106 to report the theft or loss of controlled substances.

3. The Board's investigative committee conducted an investigation concerning Registrant's alleged violation of statutes and regulations.

4. During the investigation, Registrant was informed of the reported information, and was given the opportunity to respond to the allegations, and did respond to the allegations.

5. As a result of the investigation, the Board's investigative committee makes the following factual determinations:

(a) On or about January 17, 1999, the respondent received prescription 134481-3635 for Charles Donohoo for 15 tablets of percocet.

(b) On January 17, 1999, Charles Donohoo received 50 tablets of percocet.

(c) On January 24, 1999, an incident report was filled out regarding the misfill of Charles Donohoo's prescription by giving the patient 35 more percocet tablet than were prescribed.

(d) On February 8, 1999, the respondent filed a DEA Form 106 to report the theft or loss of controlled substances.

6. As a result of the investigation, the Board's investigative committee determined that reasonable grounds exist to believe the Registrant has violated K.S.A. 65-1627(d)(1) as defined by K.A.R. 68-20-15a(a); K.S.A. 65-1627(d)(1) as defined by K.A.R. 68-7-12(d)(1)(B); K.A.R. 68-7-12(d)(1)(C).

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

WHEREFORE Registrant 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 this matter.

WHEREFORE Registrant 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 this matter.

WHEREFORE Registrant consents to:

(a) A Five Hundred (\$500.00) dollar administrative fine to be paid in full on the date this Consent Agreement and Order is accepted by the Kansas State Board of Pharmacy.

(b) This Consent Agreement and Order constitutes the entire agreement between the Registrant and may be modified or amended only by written agreement signed by the parties.

(c) Registrant shall be responsible for all costs incurred in satisfying the terms of the Consent

Agreement and Order.

(d) Notification of the Consent Agreement and Order shall be provided to another jurisdiction's licensing board if the Registrant is also licensed, registered or certified in another jurisdiction.

(e) This Consent Agreement and Order is reportable to state and federal licensing agencies and applicable professional associations.

(f) Evidence of Registrant's willful failure to comply with any of the conditions will result in a hearing, with notice and opportunity to be heard, to determine whether Registrant has in fact willfully failed to comply with any conditions. Upon determination at such hearing that Registrant has willfully breached, violated or failed to comply with any condition, Registrant understands and agrees that the license shall be revoked.

(g) Registrant acknowledges an affirmative duty to notify the Board within five (5) days of any changes in personal or professional status which would inhibit compliance with conditions. In such event, a designee of the Board is authorized to modify or amend this Consent Agreement and Order in writing.

(h) The board will issue, and the registrant will accept, a letter of reprimand for the above infractions of the Kansas Pharmacy statutes, rules and regulations.

(i) A representative of the registrant shall appear in person before the Kansas State Board of Pharmacy to respond to any questions or comments that may be posed by the board.

WHEREFORE Registrant consents to the submission of this Consent Agreement and Order to the Kansas State Board of Pharmacy, and understands that upon approval of the Board, this Consent Agreement and Order becomes a final order of the Board.

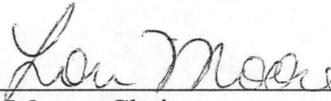
WHEREFORE Registrant agrees that all information in the possession of the Board or its attorney regarding the complaint which led to this disciplinary action, the investigation of the complaint and all information discovered during the pendency of the disciplinary action may be disclosed to and considered by the Board as part of the presentation and consideration of the proposal of settlement in the form of this Consent Agreement and Order and the Final Order provided for herein, with or without the presence of the registrant or the registrant's attorney. In the event that this Consent Agreement and 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 Consent

Agreement and 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.

WHEREFORE the Board agrees that so long as registrant complies with the above conditions that the Board will not initiate further disciplinary action against registrant in relation to violation of K.S.A. 65-1625 et seq regarding this matter.

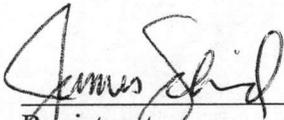
WHEREFORE the provisions above are consented to and are hereby made the final order of the Kansas State Board of Pharmacy which become effective on the date indicated in the below Certificate of Service.

IT IS SO ORDERED.



\_\_\_\_\_  
Lori Moore, Chair  
Kansas State Board of Pharmacy

APPROVED AND CONSENTED TO:



\_\_\_\_\_  
Registrant  
Walgreens Pharmacies  
James Schmid  
National Director of Pharmacy Operations  
Walgreens, MS #2147  
Deerfield, Il, 60015

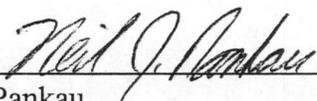
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(Date)

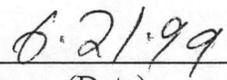
SUBMITTED AND APPROVED BY:



\_\_\_\_\_  
WM. SCOTT HESSE  
Assistant Attorney General  
2d Floor, Judicial Center  
Topeka, Kansas 66612  
785/296-2215

6/24/99  
\_\_\_\_\_  
(Date)

  
Neil J. Pankau  
Attorney at Law  
Walgreens, MS#2255  
Corporate Offices  
200 Wilmot Rd.  
Deerfield, IL 60015

  
(Date)

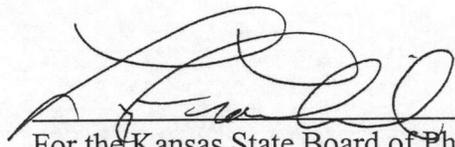
CERTIFICATE OF SERVICE

This is to certify that on the 24 day of June, 1999, a true and correct copy of the above and foregoing Consent Agreement and Order was deposited in the United States Mail, first class postage prepaid, or hand delivered to, addressed to:

Wm. Scott Hesse  
Assistant Attorney General  
2<sup>nd</sup> Floor, Judicial Center  
Topeka, KS 66614

Neil J. Pankau  
Walgreens Co.  
Trade and Corporate Relations  
Corporate Offices  
200 Wilmot Rd.  
Deerfield, IL 60015

James Schmid  
National Director of Pharmacy Operations  
Walgreens, MS #2147  
Deerfield, IL 60015

  
For the Kansas State Board of Pharmacy