

BEFORE THE KANSAS STATE
BOARD OF PHARMACY

Filed By
FEB 27 2014

KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
STEVEN E DOANE, PHARM.D)
) KBOP DOCKET NO. 14-06
License No. 1-15069)
)
_____)

EX PARTE EMERGENCY ORDER OF SUSPENSION

NOW on this 27th day of February, 2014, comes before the Kansas State Board of Pharmacy (hereinafter referred to as "Board") through its investigative member on a Motion for Ex Parte Emergency Order of Suspension in the matter of Steven E. Doane, Pharm.D. (Respondent).

Pursuant to the authority granted to the Board by the Kansas Pharmacy Act, K.S.A. 65-1625 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board's Investigative Member enters this *Ex Parte* Emergency Order of Suspension in the above captioned matter. After reviewing the evidence admitted and being otherwise duly advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent's last known mailing address is 2468 W. Fredrickson Dr., Olathe, Kansas 66061.
2. The Board previously issued Respondent License No. 1-15069 which entitled him to engage in the practice of pharmacy in the state of Kansas.
3. Pursuant to K.S.A. 65-1627 and K.S.A. 77-536, the Investigative Member may issue an emergency order without notice and hearing and may temporarily limit or suspend a license if the Investigative Members finds a situation involving an immediate danger to the public health, safety or welfare requiring immediate state agency action.

4. The Investigative Member has received and reviewed allegations that the Respondent is in violation of the Pharmacy Act, to wit:

a. That on or around February 6, 2014 the Respondent was observed to be under the influence of drugs and or alcohol while employed as a pharmacist at CVS Pharmacy.

b. That subsequently the Respondent was interviewed at which time he admitted to diverting 4 tablets of hydrocodone 10/325 mg from the pharmacy stock.

c. That the Respondent admitted that since the end of October 2013 he had diverted approximately 35-50 tablets of hydrocodone 10/325 for his own use.

d. That the Overland Park Police Department was contacted and they found a total of 400 tablets hidden in the Respondent pant legs tucked into his socks. The drugs that were recovered were 158 tablets of hydrocodone 5/325 mg; 84 tablets of Clonazepam 1 mg; 53 tablets of hydrocodone 10/325 mg; 57 tablets of methylphenidate 10 mg; 30 tablets of zolpidem 10 mg; and 18 tablets of diazepam 5 mg.

5. That on February 14, 2014 the Board of Pharmacy asked the Respondent to voluntarily enter into a Consent Agreement whereby he would immediately cease working and immediately submit to a drug and alcohol evaluation as directed by KsPRN.

6. That to date the Respondent has failed to contact KsPRN or the Board of Pharmacy.

7. That the statutory authority of the Board is as follows:

K.S.A. 65-1627 (c) "The Board may temporarily suspend or temporarily limit the license of any licensee in accordance with the emergency adjudicative proceedings under the Kansas administrative procedure act if the board determines that there is cause to believe that grounds exist for disciplinary action under subsection (a) against the licensee and

that the licensee's continuation in practice would constitute an imminent danger to the public health and safety.

8. That the statutory authority of the Board is also found in K.S.A. 77-546 (a) as follows:

"A state agency may use emergency proceedings: (1) in a situation involving an immediate danger to the public health, safety or welfare requiring immediate state agency action or (2) as otherwise provided by law.

9. The Investigative Board member finds that the conduct referenced in Paragraph 4 sets forth reasonable grounds that the Respondent has violated the Kansas Pharmacy Act and that the public health, safety, and or welfare imperatively requires emergency action.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF PHARMACY that Respondent's license to engage in the practice of pharmacy is hereby suspended until further Order of the Board.

IT IS FURTHER ORDERED, that the Respondent immediately contact the Kansas Pharmacists' Association KsPRN Program and immediately submit to an evaluation and treatment program, at the Licensee's expense, as directed by KsPRN and to fully cooperate with the recommendations and requirements of the persons managing or implementing the KsPRN program.

IT IS ORDERED THIS 28 DAY OF FEBRUARY, 2014, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

IT IS SO ORDERED.



Chad Ullom, R.Ph., Investigative Member

NOTICE

1. A hearing on this matter will be scheduled as soon as practicable before the Kansas State Board of Pharmacy. The issue to be determined shall be whether Respondent's suspension should remain in place, be modified or terminated. A notice of Hearing will be issued.
2. This is an emergency order. An emergency order is effective when rendered. A party to an agency proceeding may seek judicial review of an emergency order by filing a petition in the District Court pursuant to K.S.A. 77-601, *et seq.* A petition for judicial review is not timely unless filed within 30 days of the service of this order. A copy of any petition for judicial review must be served upon the Board's Executive Secretary as follows:

Debra L. Billingsley
Kansas State Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612

Dated this 27 day of February, 2014.

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 27 day of February 2014; send via certified mail return receipt requested a true and correct copy of the foregoing Ex Parte Emergency Order of Suspension, properly addressed to the following:

Steven Doane
2468 W. Fredrickson Dr.
Olathe, KS 66061


Kansas Board of Pharmacy