BEFORE THE KANSAS BOARD OF PHARMACY

Received
AUG 16 2005
Kansas State
Board of Pharmacy

In the Matter of	)	
	)	
RICKY K. STONE, R.Ph.	)	
Kansas License No. 1-10657	)	Case No. 04-19

AMENDED CONSENT AGREEMENT AND FINAL AGENCY ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Pharmacy Board (the "Board") and Ricky K. Stone, R.Ph. (the "Respondent") as follows:

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden, Haynes & Forbes, 555 South Kansas Avenue, Suite 303, Topeka, Kansas 66603. The Respondent is represented herein by his attorney, _____

_____.

2. The Board is the Kansas agency vested with the authority to carry out and enforce the provisions of the Kansas Pharmacy Law, K.S.A. 65-1626 *et seq.*, including conducting hearings and proceedings to revoke, suspend or otherwise discipline a Kansas license to practice pharmacy.

3. The Respondent is presently entitled to engage in the practice of pharmacy in the State of Kansas by reason of the Board having issued him Kansas license number 1-10657. At all times relevant hereto, the Respondent has held a current license to engage in the practice of pharmacy in the State of Kansas.

4. The Board and the Respondent entered into a Consent Agreement on November 30, 2004 requiring the Respondent to forward all personal incident reports to the Board.

5. That based on a review of the incident reports the parties have agreed to amend the previous order so that the Respondent's practice shall be restricted to consulting work as follows:

A. LICENSE LIMITATION. Respondent agrees to the Board entering an order limiting his Kansas license by prohibiting him from working as a pharmacist in a pharmacy of any kind or other location in which he would be dispensing or administering drugs. That Respondent shall not work in a retail setting for a period of one year from the date of this order. Upon completion of one year the Respondent may request that the Board review the limitations on Respondent's license and enter whatever amendments or further order is deemed necessary and sufficient at that time.

B. OTHER REQUIREMENTS. Respondent acknowledges and agrees that as a condition of this Amended Consent Agreement and Final Agency Order he must:

1. Comply fully with this Amended Consent Agreement and Final Agency Order;

2. Comply fully with the Kansas Pharmacy Act, the Board's rules and regulations and all state and federal laws relating to Kansas pharmacists;

3. Appear at the Board meeting at which the Amended Consent Agreement is considered. It shall be the Respondent's responsibility to contact the Board's Executive Director at the Board office to determine the time and place when the Amended Consent Agreement shall be considered.

6. Respondent agrees that all information in the possession of the Board's Investigation Member, its staff, its investigators and its attorney regarding the investigation which led to this disciplinary action 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 Amended Consent Agreement and the Final Order provided for herein, with or without the presence of the Respondent or his attorney. In the event that this Consent Agreement and Agency Order and the Final 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 Amended Consent Agreement and Final Agency Order or the information mentioned in the preceding sentence and further agrees to waive any claim of a 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.

7. The stipulations contained herein shall not become binding until this Amended Consent Agreement and Final Agency Action is approved by the Board and the Final Order provided for herein is entered by the Board. The Respondent acknowledges that the approval of the Board's attorney or the Board's Investigation Member shall not constitute the approval of the Board or bind the Board to approve this Amended Consent Agreement and Final Agency Action or the Final Order provided for herein.

8. The Respondent agrees that this Amended Consent Agreement and Final Agency Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it and enter the Final Order provided for herein. The Respondent further agrees that the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.* is constitutional on its face and as applied in this case.

9. This Amended Consent Agreement and Final Agency Order constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by them. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

10. The Respondent acknowledges that he has the following rights:

A. To have formal notice of charges served upon him;

B. To file a response to the charges;

C. To have notice of and participate in a formal adjudicative hearing with the Board making specific findings of facts and conclusions of law based only upon evidence admitted at such hearing.

D. To take advantage of all applicable provisions of the Kansas Administrative Procedures Act and the Act for Judicial Review and Civil Enforcement of Agency Action.

The Respondent freely waives these rights and acknowledges that said waiver is made voluntarily and in consideration of the Board's limiting the disciplinary action taken against him to those provided for herein. The Respondent further waives the right to seek reconsideration or appeal or otherwise contest this Amended Consent Agreement and the Final Order provided for herein.

11. The Respondent acknowledges that he enters into this Amended Consent Agreement and Final Agency Order freely and voluntarily after consultation with counsel of his choosing or an opportunity to do so. The Respondent further acknowledges that he has read this Amended Consent Agreement and Final Agency order in its entirety, that he understands its legal consequences and that he agrees that none of its terms are unconscionable, arbitrary or capricious.

12. Time is of the essence to this Amended Consent Agreement and Final Agency Order. Respondent acknowledges and agrees that any violation of this Amended Consent Agreement and Final Agency Order shall constitute a willful violation of a lawful Board order and grounds for further disciplinary action against him. The pendency of any disciplinary action arising out of an alleged violation of this Amended Consent Agreement and Final Agency Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Amended Consent Agreement and Final Agency Order.

13. For purposes of reporting to the National Practitioner's Data Bank, this matter shall be categorized as follows:

A. Adverse Action Classification: "1147 Limitation or Restriction on License."

B. Basis for Action: "F6 Substandard or Inadequate Care."

14. This Amended Consent Agreement and Final Agency Order constitutes the entire and final agreement of the parties. In the event any provision of this Amended Consent Agreement and Final Agency Order is deemed invalid or unenforceable by a court of competent jurisdiction, it shall be severed and the remaining provisions of this Amended Consent Agreement and Final Agency Order shall be given full force and effect.

15. Upon execution by all parties, this Amended Consent Agreement and Final Agency Order shall be a public record in the custody of the Board.

16. This Amended Consent Agreement and Final Agency Order shall become effective on the day it is signed by Respondent but it must be approved, accepted and made an order of the Board by way of signature of the Board's authorized representative.

17. The Respondent acknowledges that he has been advised by the Board that he would have the right within 15 days after service of the Final Order provided for herein to file a petition for reconsideration with the Board and the right within 30 days after service of the Final Order provided for herein to file a petition for judicial review in the District Court of Shawnee County, Kansas in accordance with the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq*. and to serve such a petition for judicial review on the Kansas Pharmacy Board by serving Debra L. Billingsley, its Executive Director at Landon Office Building, 900 SW Jackson, Room 560, Topeka, KS 66612-1231. The Respondent hereby waives those rights.

AGREED AND ACCEPTED BY:

RICKY K. STONE, R.Ph.

6/26/15
Date

~~FRANK WITCHURCH, R.Ph.~~
Investigation Member
JoAnne Gilstrap

8/16/05
Date

APPROVED BY:

_____ _____
Date

Randall J. Forbes 7.6.05
Date

Randall J. Forbes, #09089
FRIEDEN, HAYNES & FORBES
555 S. Kansas Avenue, Suite 303
Topeka, KS 66603
(785) 232-7266

BEFORE THE KANSAS BOARD OF PHARMACY

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Kansas License No. 1-10657	)	Case No. 04-19

FINAL ORDER

Upon motion duly made, seconded and passed, the Kansas Pharmacy Board (the "Board") approves and accepts the within Amended Consent Agreement and Final Agency Order and incorporates the provisions thereof as the Final Order of the Board. The Kansas pharmacy license of Ricky K. Stone is hereby restricted in that he is prohibited from working as a pharmacist in a pharmacy of any kind or other location in which he would be dispensing or administering drugs until further order of the Board.

ENTERED AND EFFECTIVE this 16 day of August, 2005.

KANSAS PHARMACY BOARD

By: Merlin McFarland

~~Jeff Thompson, R.Ph.~~ Merlin McFarland, R.Ph.
President

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing AMENDED CONSENT AGREEMENT AND FINAL AGENCY ORDER was served by depositing same in the United States mail, postage prepaid, this 17 day of August, 2005 addressed to:

Randall J. Forbes
FRIEDEN, HAYNES & FORBES
555 S. Kansas Avenue, Suite 303
Topeka, KS 66603

Ricky K. Stone, R.Ph.
10019 West Greenspoint
Wichita, KS 67205

Debra L Billingsley
Debra L Billingsley
Executive Director
KANSAS PHARMACY BOARD