

BEFORE THE KANSAS STATE BOARD OF PHARMACY  
900 SW JACKSON, STE. 560  
TOPEKA, KS 66612-1597

Filed

FEB 01 2008

KANSAS STATE  
Board of Pharmacy

IN THE MATTER )  
OF )  
WALGREENS PHARMACY, )  
RESPONDENT )

Case No. 07-70

CONSENT ORDER

NOW, on this 11<sup>th</sup> day of, December 2007, the captioned case comes before the Kansas State Board of Pharmacy (Board) by agreement of Respondent, Walgreens Pharmacy for the purpose of resolving this matter. The Board appears by and through Paul J. Morrison, Attorney General of Kansas, and Dorenda J. Mitchell, Assistant Attorney General. Walgreens Pharmacy does not appear in person, but provides its authorized signature by agreement. The Board, upon mutual consent of the Respondent, finds as follows:

1. Respondent currently holds a license to operate a pharmacy in the State of Kansas.
2. Respondent operates a pharmacy at 1528 Main Street, Parsons, Kansas 67357, store number 09455.
3. The Board has jurisdiction over Respondent and is authorized to enter into this Consent Order.
4. Respondent is found to have operated a pharmacy in such a manner that violations of the provisions of the Pharmacy Act of the State of Kansas, K.S.A. 65-1626

et seq., and of the rules and regulations of the Board, K.A.R. 68-1-1a et seq., have occurred in connection therewith.

5. Lauren Lee, M.D. complained to the Respondent that the label on her patient's medicine showed the incorrect name for the prescriber and identified the prescriber as a Dr. V. Reddy.

6. Dr. Lee says the patient never saw Dr. Reddy and that Dr. Reddy was deceased.

*↳ filed only once*

7. When the patient returned to Respondent for a refill, the incorrect name of Dr. V. Reddy again appeared on the label of the medicine dispensed to the consumer.

8. Dr. Lee then complained to the Kansas Board of Pharmacy.

9. The Kansas Pharmacy Inspector, Carly Haynes, R.Ph., investigated the complaint and determined that the correct name on the label should have been Lauren Lee, M.D.

10. The doctor's signature on the prescription in the pharmacy's records is Lauren Lee, M.D.

11. No incident report was on file at the pharmacy documenting the complaint from Dr. Lee.

12. K.A.R. 68-7-12b(b) sets forth the requirements for completing incident reports.

13. Respondent failed to complete the incident report as required by K.A.R. 68-7-12b(b).

14. K.S.A. 65-1627(a)(8) provides for discipline for violations of any of the statutes or regulations of the Board.

15. K.S.A. 65-1627(e) authorizes the Board to revoke, suspend, place in a probationary status or deny a renewal of the registration of a pharmacy when the pharmacy has been operated in such a manner that violations of the provisions of the Pharmacy Act or of the rules and regulations of the Board occurred in connection with the operation of the pharmacy.
16. In addition, the Board may issue a civil fine for violation of the provisions K.S.A. 65-1627 in an amount not to exceed \$5,000 for each violation.
17. In order to avoid the expense of a full adjudicatory hearing and to avoid the possibility of discipline greater than that issued herein, Respondent voluntarily enters into this agreement.
18. Respondent understands and waives all rights to notice, a hearing, an adjudication of facts and law, or any manner of review or reconsideration of the findings made herein.
19. Respondent further agrees and waives any right to review, reconsideration, appeal, or modification of any findings.
20. The Board retains the right to discipline Respondent for violations of the Kansas Pharmacy Act and any regulations promulgated thereunder.
21. Respondent consents to this Consent Order and understands that if it is approved, this Consent Order becomes a final order of the Board, without rights of review, reconsideration, appeal or modification or to a formal notice of hearing.
22. In order to comply with this Consent Order, Respondent must first sign and return the Consent Order with the signature of an authorized representative of

Respondent affixed to the Consent Order to be received at the office of Assistant Attorney General Derenda J. Mitchell no later than noon on November 28, 2007.

23. Respondent also agrees to provide payment within 30 days of the date of the hearing approving this order to pay fines in the amount of \$500 for its violations of 65-1627(a)(8) and K.A.R. 68-7-12b pertaining to incident reports.

24. Aaron Cronister R.Ph is the pharmacist in charge at the pharmacy in question.

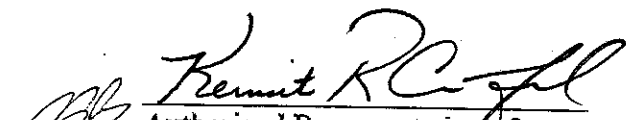
25. In the event the Board does not approve this consent order, the Board retains jurisdiction of the matter. Respondent agrees that the Board may continue to conduct proceedings to determine the discipline to which the Respondent is subject, and Respondent waives any objection to the Board's hearing of Respondent's discipline upon disapproval of the consent order for any reason.

WHEREFORE, THIS VOLUNTARY DISCIPLINE IS HEREBY MADE THE FINAL ORDER OF THE BOARD effective on the date indicated in the certificate of service.

Entered in Shawnee County, Kansas, December 11, 2007.

  
Chair, Kansas Board of Pharmacy

Approved by :

  
Authorized Representative of Respondent

11/29/2007  
Date

Certificate of Service

This is to certify that on the 1 day of February 2007, a true and correct copy of the above and foregoing was sent by regular first-class mail, postage prepaid, addressed to:

Walgreen Co.

Resident Agent: The Prentice-Hall Corporation System, Kansas, Inc.

200 S.W. 30<sup>th</sup> Street

Topeka, Ks 66611

Walgreens Pharmacy #9455

c/o Aaron Chronister, R.Ph.

1528 Main Street

Parson, KS 67357

Derenda J. Mitchell

Assistant Attorney General

Memorial Building

120 SW 10<sup>th</sup> Street

Topeka, KS 66612

Disciplinary Counsel to the Board

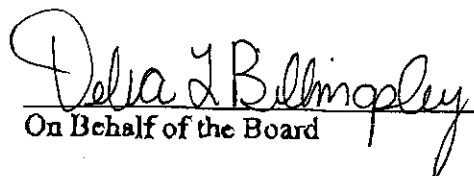
Randall Forbes

General Counsel to the Board

Frioden and Forbes

555 S. Kansas Ave.

Topeka, KS 66601

  
On Behalf of the Board