

Marty M. Snyder, S. Ct. #11317  
Office of Attorney General Phill Kline  
120 SW 10<sup>th</sup> St., Third Floor  
Topeka, KS 66612  
(785) 296-2215

NOV 30 2004

**BEFORE THE KANSAS BOARD OF PHARMACY**

IN THE MATTER )  
 )  
OF ) **Case No: 04-21**  
 )  
ROGER L. FORT, R.Ph. )  
LICENSE # 1-09673, Respondent )  
\_\_\_\_\_ )

**CONSENT AGREEMENT AND ORDER**

The Kansas Board of Pharmacy through its authorized representative, Jeff Thompson, and Roger L. Fort, Licensee, hereby enter the following Consent Agreement this 30 day of November, 2004.

WITNESSETH:

WHEREAS, Roger L. Fort (Licensee) is properly licensed as a pharmacist pursuant to the Kansas Pharmacy Act, K.S.A. 65-1625 *et seq.*, having been issued license number 1-09673 which expires June 30, 2005; and

WHEREAS, the Kansas Pharmacy Board (Board) is a state agency empowered to enforce the Kansas Pharmacy Act, K.S.A. 65-1625 *et seq.*, including the use of disciplinary actions to suspend, revoke or otherwise limit the licenses of Kansas pharmacists who violate the Act; and

WHEREAS, the parties stipulate that on or about April 29, 2004, Dr. Rangarao Tummala's office in Olathe called in a prescription for four Lovenox syringes 80 mg./0.8 ml each to Walmart Pharmacy in Paola for a patient. Licensee filled the prescription, however, at the time of dispensing, he increased the quantity from four to ten Lovenox syringes without authorization from the physician. The increase in quantity resulted in an additional cost of approximately \$360.00; and

WHEREAS on that date and at that location, Licensee was the Pharmacist in Charge; and

WHEREAS, the above facts state violations of K.S.A. 65-1637(a) - all prescriptions shall be filled in strict conformity with any directions of the prescriber; and

WHEREAS, the Board has grounds for revocation, suspension or placement in a probationary status pursuant to K.S.A. 65-1627(a)(6) where the Licensee is found by the Board to have filled a prescription not in strict accordance with the directions of the practitioner; and

WHEREAS, K.S.A. 65-1658 provides for civil fines for violations of the Kansas Pharmacy Act.

WHEREAS, Licensee and the Board mutually desire to enter this Consent Agreement and Order in lieu of formal adjudicative proceedings pursuant to the Kansas Administrative Procedure Act to resolve the report of the alleged violations.

WHEREFORE, for good and valuable consideration, the Licensee and the Board agree as follows:

1. Licensee shall pay to the Kansas Board of Pharmacy an administrative fine of Five Hundred Dollars (\$500.00) within ten (10) days of the date of the Final Order; and

2. Licensee shall be on unsupervised probation for one year from the date of the Final Order.

3. In the event that this Consent Agreement and Order is not approved by the Board, Licensee agrees to waive any objection to the composition of the Board should this matter have to go to evidentiary hearing pursuant to the Kansas Administrative Procedure Act.

IN WITNESS WHEREOF the parties have caused this Consent Agreement and Order to be executed the day and year first above written.

APPROVED AND ADOPTED BY:

Jeff Thompson, P.T.C.  
For Petitioner Board of Pharmacy

11-30-04  
Date

\_\_\_\_\_  
Roger L. Fort, R.Ph., Licensee

11-30-04  
Date

**CERTIFICATE OF MAILING**

I do hereby certify that a true and correct copy of the above and foregoing CONSENT AGREEMENT AND ORDER was mailed on the 2nd day of December and sent by U.S. mail, postage prepaid to the following persons:

Roger Fort  
108 Crestview  
Paola, KS 66071

Randall J. Forbes  
Frieden, Haynes & Forbes  
P.O. Box 639  
Topeka, Kansas 66601-0639

Marty Snyder  
Attorney General's Office  
120 SW 10<sup>th</sup>, 3<sup>rd</sup> Floor  
Civil Division  
Topeka, KS 66612-1597

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Debra L. Billingsley / /