

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

Filed

JAN 31 2008
KANSAS STATE
Board of Pharmacy

IN THE MATTER)
)
OF)
)
DON J. KAUFMAN,)
RESPONDENT)
_____)

Case No. 07-69

CONSENT ORDER

NOW, on this 30th day of January, 2008, the captioned case comes before the Kansas State Board of Pharmacy (Board) by agreement of Respondent, Don J. Kaufman, for the purpose of resolving this matter. The Board appears by and through Paul J. Morrison, Attorney General of Kansas, and Derenda J. Mitchell, Assistant Attorney General. The Board, upon mutual consent of the Respondent, finds as follows:

1. The Board is vested with the authority to enforce the Kansas Pharmacy Law, (the Law) K.S.A. 65-1626 et seq., including the authority to conduct proceedings to revoke, suspend, or discipline persons subject to the Law.
2. Respondent is entitled to practice pharmacy in the State of Kansas under License No. 1-10029.
3. Respondent entered into an agreement with the Committee on Impaired Pharmacists Providers (CIPP) on October 19, 2007.
4. Respondent admits that he was intoxicated while performing the duties of a pharmacist at Fraese Drug in Hutchinson, Kansas and waives any further proof of these events in this or in any other proceedings.

5. The Board finds that the conduct described in paragraph four of this Consent Order is grounds for discipline pursuant to K.S.A. 65-1627(a)(3), K.S.A. 65-1626(ee)(3), K.S.A. 65-1627(a)(3), and K.S.A. 65-1627(a)(4).

6. The Board has jurisdiction over Respondent and orders the following:

A. Respondent shall participate in the CIPP for a period of no less than 5 years from the date of this Order through January 30, 2013.

B. Respondent shall fully cooperate with the recommendations and requirements of the persons managing and implementing the CIPP from January 30, 2008 through January 30, 2013 as if the recommendations and requirements were orders of this Board.

C. Respondent shall authorize to the Board full access to any records of any and all evaluations, reports, or treatment programs while participating in the CIPP.

D. Respondent agrees that all information in the possession of the Board, its investigative member, staff, investigators, and the Board's disciplinary attorney shall be open and accessible to the Board in its consideration of any and all matters that arise under this order, now or in the future.

E. Respondent agrees that in the event the Board does not approve this Consent Order, the Respondent waives any claim of due process, the disqualification of any Board member, or any other objection of any kind.

F. Respondent agrees that the terms of this order do not become binding until approved by the Board.

G. Respondent agrees that this order is in conformity with state and federal law and is constitutional in all respects.

H. 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.

I. 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.

J. Respondent further agrees and waives any right to review, reconsideration, appeal, or modification of any of the findings made herein.

K. Respondent consents to this Consent Order and understands that if it is approved by the Board, 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.

L. In order to comply with this Consent Order, Respondent must first sign and return the Consent Order with his signature affixed to the Consent Order to be received at the office of Assistant Attorney General Derenda J. Mitchell no later than January 14, 2008. Time is of the essence.

M. Respondent further agrees to appear personally at the Board's January 30, 2008 meeting, to be held in Topeka, Kansas at 11 a.m. at the Docking State Office Building, Ste, 785.

N. Respondent shall provide a copy of this order to any employer during the term of this order.

7. It is further agreed and ordered that this Consent Order constitutes the entire agreement and may only be modified by a subsequent writing agreed to and ordered by the Board.

8. This order shall be interpreted now and at any time in the future according to the laws of the State of Kansas.

9. When entered, this order shall be an open, public record retained in the offices of the Board.

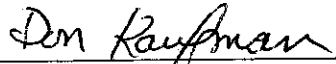
10. The Board retains jurisdiction of this matter and may institute discipline against the Respondent for any lawful reason upon discovery of additional facts or circumstances surrounding this matter or based upon the current facts and circumstances known to the Board at the time of this order.

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

Entered in Shawnee County, Kansas, January 30, 2008.


Chair, Kansas Board of Pharmacy

Approved by :


Don Kaufman, R.Ph.

1-4-08
Date

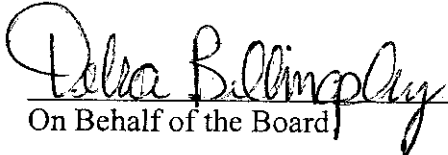
Certificate of Service

This is to certify that on the 31 day of January, 2008, a true and correct copy of the above and foregoing was sent by regular first class mail, postage prepaid, addressed to:

Mr. Don J. Kaufman
401 West 30th
Hutchinson, Kansas 67502

Derenda Mitchell
Assistant Attorney General
Memorial Building
120 SW 10th Street
Topeka, KS 66612
Disciplinary Counsel to the Board

Randall Forbes
General Counsel to the Board
Frieden and Forbes
555 S. Kansas Ave.
Topeka, KS 66601


On Behalf of the Board