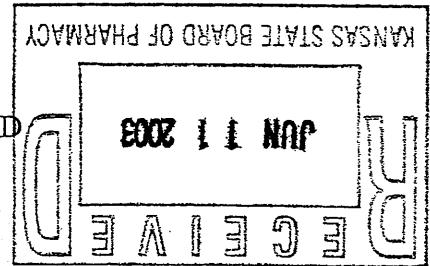


BEFORE THE KANSAS PHARMACY BOARD



In the Matter of )  
 )  
Jerry Lovern, R.P.H. )  
Kansas License No. 1-08222 )  
\_\_\_\_\_ )

File No. 03-18

**STIPULATION AND FINAL AGENCY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Pharmacy Board (the "Board") and Jerry Lovern. (the "Respondent") as follows:

1. The Board is represented herein by its attorney, Steve Phillips, Assistant Attorney General of the Kansas State Attorney General's Office, 120 SW 10<sup>th</sup> Avenue, Topeka, Kansas 66612-2215. 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 his Kansas license number 1-08222. 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 has received certain information, has investigated and has determined

remaining portion of the fine four thousand five hundred dollars (\$4,500) fine shall not be required if during a three year probationary period beginning upon the entry of a Final Agency Order contemplated hereby, The Respondent does not commit any further similar acts (filling/refilling/changing prescriptions without proper authorization from the prescriber) which would constitute a further violation of the Pharmacy Practice Act or the Board regulations. If Respondent commits any act during the probation period which constitutes such a violation of the Pharmacy Practice Act or the Board's regulations or fails to meet any condition set out in this stipulation, the fine shall be immediately payable in addition to any other discipline ordered by the Board.

- B. If Respondent does not commit an act during the probationary period which constitutes a violation of the Pharmacy Practices Act or the Board's regulations and meets all the conditions set out in this stipulation, the administrative fine provided for herein shall never become due or payable.
- C. OTHER REQUIREMENTS. Respondent acknowledges and agrees that as a condition of this Stipulation and final Agency Order he must:
1. Comply fully with this Stipulation 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.

8. Respondent agrees that all information in the possession of the Board or its

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.

14. Time is of the essence to this Stipulation and Final Agency Order. Respondent acknowledges and agrees that any violation of this Stipulation and Final Agency Order shall constitute a willful violation of a lawful Board order and grounds for further disciplinary action against her. The pendency of any disciplinary action arising out of an alleged violation of this Stipulation and Final Agency Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Stipulation and Final Agency Order.
15. For purposes of reporting to the National Practitioner's Data Bank, this matter shall be categorized as follows:
  - A. Adverse Action Classification: "1172 Administrative Fine."
  - B. Basis for Action: "10 Unprofessional Conduct."
16. The following statement will be made in the Board's newsletter: "Jerry Lovern, R.Ph. of Wichita, Kansas. The Board entered an order assessing an administrative fine of \$5000.00. Payment of all but \$500 of the fine will not be due if there are no further violations of the pharmacy laws within a three year probationary period."
17. This Stipulation and Final Agency Order constitutes the entire and final agreement of the parties. In the event any provision of this Stipulation 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 Stipulation and Final Agency Order shall be given full force and effect.

18. Upon execution by all parties, this Stipulation and Final Agency Order shall be a public record in the custody of the Board
19. This Stipulation and Final Agency Order shall become effective on the day it is approved, accepted and made an order of the Board by way of signature of the Board's authorized representative.
20. 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 Susan Linn, its Executive Secretary. The Respondent hereby waives those rights.

AGREED AND ACCEPTED BY

Jerry Lovern, R.Ph

5-29-2003  
Date