

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
JUN 06 2016
KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
)
Shawn E. Markley, PharmD) Case No. 16-061
)
Kansas License No. 1-17169)

CONSENT AGREEMENT

THIS CONSENT AGREEMENT is entered into this 6 day of June, 2016 by and between Shawn E. Markley, PharmD, (the "Licensee") and the Kansas Board of Pharmacy (the "Board").

WITNESSETH:

WHEREAS, the Licensee presently holds a license to practice pharmacy in the State of Kansas issued by the Board; and

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

WHEREAS, the Board has received information indicating that the Licensee, while acting as a pharmacist for his employer CVS Pharmacy #5661 in Belton, Missouri ("CVS") during the months of April, 2015 through August, 2015, had stolen prescription medications, including controlled substances, belonging to CVS and consumed those drugs.

WHEREAS, the Board is willing to temporarily withhold issuing an emergency order suspending or otherwise limiting the Licensee's Kansas license in return for certain agreements by the Licensee as detailed herein.

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

Matter of Shawn E. Markley, PharmD, No. 16-061 (Kan. Bd. of Pharmacy)

CONSENT AGREEMENT

1. The Board will temporarily withhold initiating an emergency order suspending or otherwise limiting the Licensee's Kansas license to practice pharmacy in the State of Kansas based upon the Licensee's agreement, evidenced by his signing this Consent Agreement, to the following:

a. The Licensee will immediately cease practicing pharmacy in Kansas and shall not again resume the practice of pharmacy in Kansas without the subsequent written agreement of the Board. Should the Licensee resume the practice of pharmacy in Kansas without the written agreement of the Board, such act shall constitute unprofessional conduct and be an independent basis to discipline the Licensee's Kansas license to practice pharmacy.

b. The Licensee, if he has not already done so, shall immediately enter into a *Statement of Understanding* agreement with the Kansas Pharmacists Association Committee on Impaired Pharmacy Practice Program ("CIPP Agreement") for a period of no less than 5 years. Respondent shall fully cooperate with the recommendations and requirements of the persons managing and implementing the CIPP Agreement, the recommendations and requirements of the persons managing and implementing the evaluation and treatment programs recommended or required by the CIPP Agreement and the further requirements of the Board. Respondent shall, at all times, be in full compliance with the requirements of the CIPP Agreement and other requirement placed upon him by the CIPP Committee, *including, but not limited to full and continued compliance with the requirement to cooperate with requests for random bodily fluid drug screens, as provided in his CIPP Agreement.*

c. The Licensee shall authorize the Kansas Pharmacy Impaired Provider Program and any provider of evaluation or treatment programs he engages in to provide full and complete

documentation and information regarding the Licensee's involvement in the programs, his evaluations and treatment including, but not limited to, all records and medical reports.

2. This agreement shall not constitute an admission by the Licensee that he has violated the Kansas Pharmacy Act.

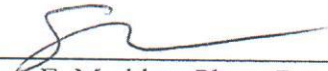
3. Should the Board determine, in good faith, but in its sole and exclusive discretion, that the Licensee has failed to comply with the provisions hereof, this Agreement shall cease and shall not thereafter prevent, in any respect, the Board from issuing an emergency order suspending or otherwise limiting the Licensee's Kansas License to practice pharmacy.

4. This agreement shall not prevent, in any manner, the Board from initiating a non-emergency proceeding to revoke, suspend or otherwise limit the Licensee's Kansas license to practice pharmacy.


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

5/27/16
Date

6/6/2016
Date


Shawn E. Markley, PharmD

KANSAS PHARMACY BOARD

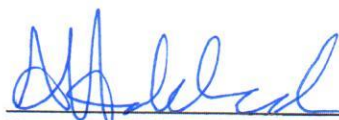

Michael Lonergan, R.Ph., Investigation Member
and Authorized Member of the
Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing CONSENT ORDER was served by depositing same in the United States mail, postage prepaid, this 6 day of June, 2016 addressed to:

Randall J. Forbes
FRIEDEN, UNREIN & FORBES, LLP
1414 SW Ashworth Place, Suite 201
Topeka, KS 66604

Shawn E. Markley, PharmD
2428 SW Golden Eagle Road
Lees Summit, MO 64082



Representative of the
KANSAS BOARD OF PHARMACY