

BEFORE THE STATE BOARD OF PHARMACY
OF THE STATE OF KANSAS

IN RE: THE MATTER OF

MARK WILLIAM McMULLEN,
License No. 1-09315
RR 3, Box 70
Eureka, KS 67045

STIPULATION OF FINDING OF FACT AND ORDER

This matter comes before the State Board of Pharmacy for the State of Kansas, this 24th day of January, 1997.

The State Board of Pharmacy appears by Karla Kneebone, President and Presiding Officer; Barry Sarvis, Vice-President; Lori Moore, Pharmacist; Vicki Schmidt, Pharmacist; Dan Katzer, Pharmacist; and Dr. Margaret Young, Consumer Representative. Also appearing are Larry Froelich, Executive Secretary, and the attorney for the Board, Dana W. Killinger. Mark W. McMullen appears personally.

Mark W. McMullen states that he has been advised of his procedural rights under the Pharmacy Practice Act and Administrative Procedure Act, wherein counsel for the Board advised Mark W. McMullen of his rights to a formal hearing wherein he had a right to be represented by counsel, call witnesses on his behalf, cross-examine the Board's witnesses and other procedural rights. Counsel further advised Mark W. McMullen of the statutory sections

of the law which were allegedly violated and the statute giving the Board jurisdiction in this matter. Whereupon Mark W. McMullen waived his right to a Formal Hearing.

Mark W. McMullen further states that no issue of fact exists and wishes to stipulate to the following findings of fact and accepts the order of the State Board of Pharmacy, to-wit:

1. Mark W. McMullen is a licensed pharmacist in the State of Kansas, having License No. 1-09315.

2. That Mark W. McMullen is the Pharmacist in Charge at McMullen Drug Store, Inc. located at 324 N. Main Street, Eureka, Kansas 67045.

3. That on May 30, 1996, a pharmacist for McMullen Pharmacy filled Prescription No. 6275598 which was written for prednisone 10 mg. by the practitioner. The pharmacist filled the prescription with propranolol a violation of K.S.A. 65-1637. Sometime in July, 1996, Mark W. McMullen, Pharmacist in Charge of McMullen Pharmacy became aware of the filling error and no incident report was prepared until confronted by Pharmacy Inspector Carly Haynes, on October 28, 1996, a violation of K.A.R. 68-7-12(d).

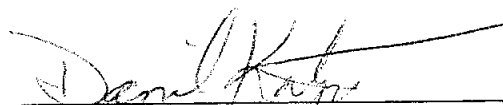
4. That on September 19, 1996, Inspector Carly Haynes on an inspection of McMullen Drug, Inc. observed two supportive

personnel working and only one licensed pharmacist on duty, a violation of K.S.A. 65-1642(a).

The State Board of Pharmacy for the State of Kansas pursuant to K.S.A. 65-1627(a)(8) has jurisdiction and power to revoke, suspend or place on probation and pursuant to K.S.A. 65-1658 fine said Mark W. McMullen.

IT IS THEREFORE ORDERED that Mark W. McMullen, License No. 1-09315, be required to take the Kansas Law Examination at the Board office within the next thirty (30) days.

Dated this 24th day of January, 1997.



~~Karla Kneebone~~ Dan Katzer
~~President and~~ Presiding Officer
State Board of Pharmacy
for the State of Kansas

I, Mark W. McMullen, have hereby read the foregoing Stipulation and Order and fully understand the violations of which I am stipulating to and understand the terms of the Stipulation.



Mark W. McMullen

PREPARED BY: Dana W. Killinger

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