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Kansas State Board of Pharmacy
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BEFORE THE KANSAS STATE BOARD OF PHARMACY

In the Matter of	)	
John Preble, R.Ph.,	)	Case No. 12-16b
Kansas License No. 1-09834.	)	

CONSENT AGREEMENT

COMES NOW, the Kansas State Board of Pharmacy ("the Board"), and reviews the file on John Preble, R.Ph. ("Respondent").

THEREUPON, being duly advised on the matter, the Board and Respondent agree to the following:

WAIVER OF RIGHTS

Respondent understands that he has the following rights in this case: The right to discovery, a hearing before the Board, and if found in violation of the Kansas Pharmacy Act, the right to appear before the District Court and Kansas appellate courts pursuant to the Kansas Judicial Review Act (the "KJRA").

Respondent hereby acknowledges his right to be represented by a lawyer of his own choosing. Knowing these rights, Respondent, by signing this agreement, knowingly and voluntarily suspends these rights at this time, including the right to a hearing by the Board.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Respondent neither admits nor denies the following findings of fact and conclusions of law, but does accept the terms of this Consent Agreement:

1. The Board is charged with the administration of the Kansas Pharmacy Act (K.S.A. § 65-1626, *et seq.*) (the "Pharmacy Act") and with the enforcement of the rules and regulations promulgated thereunder.
2. Respondent is currently registered as a pharmacist in the State of Kansas having been issued License No. 1-09834.
3. During the time in question, Respondent served as a staff pharmacist at Walgreens Pharmacy #12815, 1453 E. 151st Street, Olathe, KS 66062.
4. The Board's Investigative Member has received certain information, has investigated and has determined that there are reasonable grounds to believe that Respondent has committed an act or acts in violation of the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.*, which would subject his license to discipline pursuant to K.S.A. 65-1627.
5. The Board is authorized to assess civil fines under the provisions of the Pharmacy Act. More specifically, the Board may, "assess a civil fine, after notice and an opportunity to be heard in accordance with the Kansas administrative procedure act, against any licensee or registrant under subsections (a), (c), (d) and (e) of K.S.A. 65-1627, and amendments thereto, for violations of the pharmacy act of the state of Kansas or rules and regulations of the state board of pharmacy or for violation of the uniform controlled substances act or rules and regulations of the state board of pharmacy adopted under the uniform controlled substances act, in an amount not to exceed $5,000 for each violation." K.S.A. § 65-1658.
6. Pursuant to laws and regulations pertaining to of pharmacies, the Board is authorized to conduct hearings, summary proceedings, and emergency proceedings under the Kansas Administrative Procedure Act (K.S.A. § 77-501, *et seq.*) ("KAPA"). K.S.A. § 65-1663(e)(4). Such proceedings may result in suspension, revocation, and other disciplinary

actions affecting Respondent's ability to conduct business as a registered pharmacy in the State of Kansas.

7. On November 30, 2011, Walgreens received a prescription for Prevacid suspension, which was to be administered to the 3-week old daughter of the complainants.
8. Technician Gina Jackson (Registration No. 14-12152) had difficulties reading the prescription, and asked Respondent to assist her.
9. The prescription was incorrectly filled as Roxicet, and was then given to the patient.
10. The parents of the patient noticed the error after administering the medication, and contacted Respondent.
11. Respondent informed the parents that the dosage that had been ingested was within normal limits for an individual of the patient's age and size, and that she would be alright.
12. The patient suffered adverse health effects and hospitalization.
13. K.S.A. § 65-1637(a) provides: "All prescriptions shall be filled in strict conformity with any directions of the prescriber. . ."

TERMS AND CONDITIONS

1. Respondent's license shall be placed on probation for a period of one year, with the following conditions:
    a. Respondent shall inform the Board and provide documentation of any incident report in which his work as a pharmacist is cited.
2. Respondent agrees to pay a civil fine of $1000.00;

CONSENT OF THE KANSAS STATE BOARD OF PHARMACY

This Consent Agreement is not binding upon the Board until it has been reviewed and agreed to by the Kansas State Board of Pharmacy at its next quarterly meeting, to be held May 31 and June 1, 2012.

The parties below have read this Consent Agreement, know and understand its contents, and agree to comply with its terms. Respondent specifically agrees to waive the constitutional rights enumerated above.

John Preble

Date: Thursday, May 10, 2012

John Preble, R.Ph.
8803 Nall Ave.
Prairie Village, KS 66207

Date: 5/22/2012

David R. Schoech, R.Ph.
Investigative Member
Kansas Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612

Date: 5/11/12

Doug M. Taylor
Compliance Counsel
Kansas Board of Pharmacy
800 SW Jackson, Ste. 1414
Topeka, KS 66612

APPROVAL OF THE BOARD OF PHARMACY

This Consent Agreement has been reviewed by the Kansas State Board of Pharmacy and is agreed to as of the date stated below.

James Garrelts

Date: 6/2/12

James Garrelts, Pharm.D., President
Kansas State Board of Pharmacy
800 SW Jackson St., Ste. 1414
Topeka, KS 66612

CERTIFICATE OF SERVICE

I hereby certify that on this 4 day of June, 2012, I deposited a true and correct copy of the above and foregoing Consent Agreement in the United States Mail, postage prepaid, and addressed to:

John Preble, R.Ph.
8803 Nall Ave.
Prairie Village, KS 66207

Doug M. Taylor, Compliance Counsel