

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
JAN 16 2014
KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
)
KIMBERLY K. TURNER, R.Ph.)
Kansas License No. 1-11436)

Case No. 13-130

STIPULATION AND FINAL AGENCY ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Pharmacy Board (the "Board") and Kimberly K. Turner, R.Ph. (the "Respondent") as follows:

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden, Unrein & Forbes, LLP, 555 South Kansas Avenue, Suite 303, Topeka, Kansas 66603. The Respondent is represented herein by her 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 her Kansas license number 1-11436. 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 that there are reasonable grounds to believe that the Respondent has committed an act or acts in violation of the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.* On or about December 2, 2013

Disciplinary Counsel for the Board filed a *Petition to Revoke, Suspend or Otherwise Limit Licensure* (the "Disciplinary Petition") against Respondent and her license to practice Pharmacy in the State of Kansas. The allegations of the Disciplinary Petition are incorporated herein by reference. A Notice of Hearing was issued indicating the hearing on the Disciplinary Petition would be held before the Board on January 17, 2014.

Respondent hereby admits and waives any further proof in this or any other proceeding that if a hearing were to take place, the Board's Disciplinary Counsel could put on evidence to prove the allegations in the Disciplinary Petition. Respondent desires to avoid a hearing by voluntarily surrendering her Kansas license to practice pharmacy. Voluntary surrender of Respondent's license in lieu of a hearing on the Disciplinary Petition is agreeable upon certain conditions.

The Board finds and concludes that Respondent's conduct, as alleged in the Disciplinary Petition above, violates various provisions of the Pharmacy Act and regulations promulgated pursuant and is grounds for disciplinary action against her license to practice pharmacy in the State of Kansas pursuant to K.S.A. 65-1627 (a)(4).

5. The Board finds and the Respondent agrees that the following disposition is just and appropriate under the circumstances:

A. VOLUNTARY SURRENDER OF LICENSE. The Respondent voluntarily surrenders the license issued to her by the Board, License Number 1-11436 and upon surrender the license shall be cancelled. As an inducement to obtain the Board's agreement to accept voluntary surrender of Respondent's license in lieu of a hearing on the Disciplinary Petition, the following conditions are imposed:

i. Should Respondent ever, in the future, apply for a new license to practice pharmacy in Kansas, the Board may consider all information in its possession and Respondent shall have the burden to prove, to the Board's satisfaction, in addition to other requirements: (1) that she is, at the time of any subsequent application, morally fit to practice pharmacy; (2) that she is conscious of her wrongful conduct and the disrepute that conduct brought to the profession; (3) that her conduct between the time of the Final Agency Order contemplated hereby and any subsequent application for licensure demonstrates she is qualified for licensure; (4) that she is, at the time of any subsequent application, competent to practice pharmacy in Kansas; and (5) that she has rehabilitated herself to the extent that she does not present a risk of additional violations of Kansas pharmacy law and she should be granted the privilege of practicing pharmacy in Kansas.

ii. Should Respondent ever, in the future, apply for a new license to practice pharmacy in Kansas, and should the Board, in its sole discretion, determine to grant such an application, the Board may require as a condition to granting Respondent a new license to practice pharmacy in Kansas, that she enter into an agreement with the Kansas Pharmacists Association Committee on Impaired Pharmacy Practice Program, or any similar program approved by the Board ("CIPP") for a period of no less than 5 years. In addition, the Board may require as a further conditions that Respondent fully cooperate with the recommendations and requirements of the persons managing and implementing CIPP, the recommendations and requirements of the persons managing and implementing the evaluation and treatment programs recommended or required by CIPP and the further requirements of the Board; that Respondent be at all times be in full compliance with the requirements of her CIPP agreement and other requirements placed upon her by CIPP; and that Respondent authorize CIPP and any

provider of evaluation or treatment programs she engages in to provide full and complete documentation and information regarding the Respondent's involvement in the programs, her evaluations and treatment, including, but not limited to, all records and medical reports.

6. Respondent agrees that all information in the possession of the Board's Investigation Member, its staff, its investigators and its attorney regarding the investigation which led to this disciplinary action and all information discovered during the pendency of the disciplinary action may be disclosed to and considered by the Board as part of the presentation and consideration of the proposal of settlement in the form of this Stipulation and Final Agency Order and the Final Order provided for herein, with or without the presence of the Respondent or her attorney. In the event that this Stipulation and Final Agency Order and the Final Order provided for herein are not accepted and approved by the Board, the Respondent further waives any objection to the Board members' consideration of this Stipulation and Final Agency Order or the information mentioned in the preceding sentence and further agrees to waive any claim of a due process violation or the right to seek the disqualification of any Board member as a result of the Board member's consideration of said document and information.

7. The stipulations contained herein shall not become binding until this Stipulation and Final Agency Action is approved by the Board and the Final Order provided for herein is entered by the Board. The Respondent acknowledges that the approval of the Board's attorney or the Board's Investigation Member shall not constitute the approval of the Board or bind the Board to approve this Stipulation and Final Agency Action or the Final Order provided for herein.

8. The Respondent agrees that this Stipulation and Final Agency Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it and

enter the Final Order provided for herein. The Respondent further agrees that the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.* is constitutional on its face and as applied in this case.

9. This stipulation constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by them. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

10. The Respondent acknowledges that she has the following rights:

A. To have formal notice of charges served upon her;

B. To file a response to the charges;

C. To have notice of and participate in a formal adjudicative hearing with the Board making specific findings of facts and conclusions of law based only upon evidence admitted at such hearing.

D. To take advantage of all applicable provisions of the Kansas Administrative Procedures Act and the Act for Judicial Review and Civil Enforcement of Agency Action.

The Respondent freely waives these rights and acknowledges that said waiver is made voluntarily and in consideration of the Board's limiting the disciplinary action taken against her to those provided for herein. The Respondent further waives the right to seek reconsideration or appeal or otherwise contest this Stipulation and Final Agency Order and the Final Order provided for herein.

11. The Respondent acknowledges that she enters into this Stipulation and Final Agency Order freely and voluntarily after consultation with counsel of her choosing or an opportunity to do so. The Respondent further acknowledges that she has read this Stipulation

and Final Agency order in its entirety, that she understands its legal consequences and that she agrees that none of its terms are unconscionable, arbitrary or capricious.

12. 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 or her CIPP agreement 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.

13. 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.

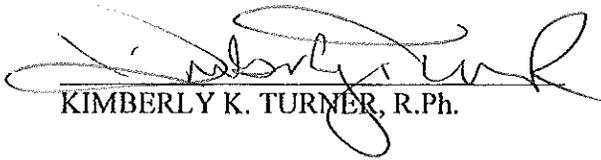
14. Upon execution by all parties, this Stipulation and Final Agency Order shall be a public record in the custody of the Board.

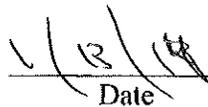
15. This Stipulation and Final Agency Order shall become effective on the day it is approved, accepted and made an order of the Board by way of signature of the Board's authorized representative.

16. The Respondent acknowledges that she has been advised by the Board that she 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 Debra L. Billingsley, its Executive Director at 800 SW Jackson Street, Suite 1414, Topeka, KS 66612. The Respondent hereby waives those rights.

AGREED AND ACCEPTED BY:

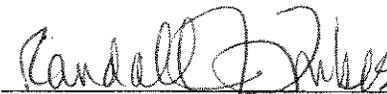

KIMBERLY K. TURNER, R.Ph.

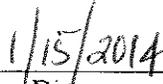

Date

CHAD ULLOM, R.Ph.
Investigation Member

Date

APPROVED BY:


Randall J. Forbes, KS #09089/MO#64335
FRIEDEN, UNREIN & FORBES, LLP
555 S. Kansas Avenue, Suite 303
Topeka, KS 66603
(785) 354-1100

Date


BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
KIMBERLY K. TURNER, R.Ph.) Case No. 13-130
)
Kansas License No. 1-11436)

FINAL ORDER

Upon motion duly made, seconded and passed, the Kansas Pharmacy Board (the "Board") approves and accepts the within Stipulation and Final Agency Order and incorporates the provisions thereof as the Final Order of the Board, including but not limited to the following:

VOLUNTARY SURRENDER OF LICENSE. The Respondent voluntarily surrenders the license issued to her by the Board, License Number 1-11436 and the license is hereby cancelled. As part of the Board's acceptance of the surrender, the following conditions are imposed:

iii. Should Respondent ever, in the future, apply for a new license to practice pharmacy in Kansas, the Board may consider all information in its possession and Respondent shall have the burden to prove, to the Board's satisfaction, in addition to other requirements: (1) that she is, at the time of any subsequent application, morally fit to practice pharmacy; (2) that she is consciousness of her wrongful conduct and the disrepute that conduct brought to the profession; (3) that her conduct between the time of the Final Agency Order contemplated hereby and any subsequent application for licensure demonstrates she is qualified for licensure; (4) that she is, at the time of any subsequent application, competent to practice pharmacy in Kansas; and (5) that she has rehabilitated herself to the extent that she does not present a risk of additional violations of Kansas pharmacy law and she should be granted the privilege of practicing pharmacy in Kansas.

iv. Should Respondent ever, in the future, apply for a new license to practice pharmacy in Kansas, and should the Board, in its sole discretion, determine to grant such an application, the Board may require as a condition to granting Respondent a new license to practice pharmacy in Kansas, that she enter into an agreement with the Kansas Pharmacists Association Committee on Impaired Pharmacy Practice Program, or any similar program approved by the Board ("CIPP") for a period of no less than 5 years. In addition, the Board may require as a further conditions that Respondent fully cooperate with the recommendations and requirements of the persons managing and implementing CIPP, the recommendations and requirements of the persons managing and implementing the evaluation and treatment programs recommended or required by CIPP and the further requirements of the Board; that Respondent be at all times be in full compliance with the requirements of her CIPP agreement and other requirements placed upon her by CIPP; and that Respondent authorize CIPP and any provider of evaluation or treatment programs she engages in to provide full and complete documentation and information regarding the Respondent's involvement in the programs, her evaluations and treatment, including, but not limited to, all records and medical reports.

ENTERED AND EFFECTIVE this 16 day of JANUARY, 2014

KANSAS PHARMACY BOARD

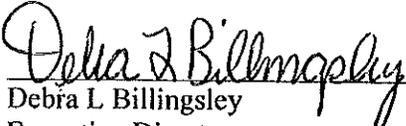
By: 
DAVID R. SCHOECH, R.Ph.
President

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing STIPULATION AND FINAL AGENCY ORDER was served by depositing same in the United States mail, postage prepaid, this 21 day of January, 2014 addressed to:

Randall J. Forbes
FRIEDEN, UNREIN & FORBES, LLP
555 S. Kansas Avenue, Suite 303
Topeka, KS 66603

Kimberly K. Turner, R.Ph.
765 Southridge
Baxter Springs, KS 66713


Debra L. Billingsley
Executive Director
KANSAS PHARMACY BOARD

BEFORE THE KANSAS BOARD OF PHARMACY

Filed By
DEC 02 2013
KANSAS STATE
BOARD OF PHARMACY

In the Matter of)
)
KIMBERLY K. TURNER, R.PH.)
Kansas License No. 1-11436)

Case No. 13-130

PETITION TO REVOKE, SUSPEND OR OTHERWISE
LIMIT LICENSURE

The Kansas Board of Pharmacy (the "Board") for its petition to revoke, suspend or otherwise limit the Kansas license of Kimberly K. Turner, R.Ph. (the "Licensee") to practice pharmacy, alleges and states as follows:

1. The Board is the Kansas agency vested with the authority to carry out and enforce the provisions of the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.*, including conducting hearings and proceedings to revoke, suspend, limit or otherwise discipline a Kansas license to practice pharmacy.

2. The Licensee is presently entitled to engage in the practice of pharmacy in the State of Kansas by reason of the Board having issued her Kansas license number 1-11436. At all times relevant hereto, the Licensee has held a current license to engage in the practice of pharmacy in the State of Kansas.

3. The Board's Investigation Member has received certain information, has investigated and has determined that there are reasonable grounds to believe that the Licensee has committed an act or acts in violation of the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.* that would subject her pharmacy license to discipline pursuant to K.S.A. 65-1627.

4. On October 22, 2009, the Licensee entered into a Consent Agreement with the Board's Investigation Member. As part of the 2009 Consent Agreement, the Licensee agreed to "enter into an evaluation and treatment program, totally at Licensee's expense, as directed from time to time by the Kansas Committee on Impaired Practice Program and as approved from time

to time by the Board and [], continue to fully cooperate with the recommendations and requirements of the persons managing or implementing the Kansas Committee on Impaired Practice Program and the further requirements of the Board.” As part of the 2009 Consent Order, the Licensee agreed to immediately cease the practice of pharmacy in Kansas and not to resume practicing without the subsequent written consent of the Board.

5. On June 9, 2010, the Board entered a Final Order incorporating the terms of a Settlement Agreement and Final Order, which had been agreed to by the Licensee and the Disciplinary Counsel for the Board. A true and correct copy of the Settlement Agreement and Final Order is attached hereto as *Exhibit A*. In part, the 2010 Final Order required the Licensee to enter into a five-year contract with Kansas Committee on Impaired Pharmacy Practice Program, and to fully participate and comply with all of the requirements of that contract. The 2010 Final Order also provided that failure by the Licensee to fully participate and comply with all of the requirements of the Kansas Committee on Impaired Pharmacy Practice Program contract would be grounds for a disciplinary action against the Kansas Licensee’s license to practice pharmacy. Part of the requirements of the Kansas Committee on Impaired Pharmacy Practice Program contract was that the Licensee refrain from consuming alcohol.

6. In violation of the requirements of the Kansas Committee on Impaired Pharmacy Practice Program contract, the Licensee has continued to consume alcohol and has failed, in some instances, to provide samples as required. In addition, the Licensee has failed to follow the program and treatment recommendations of the Kansas Committee on Impaired Practice Program. The Kansas Committee on Impaired Pharmacy Practice Program has recommended to Licensee that she enter into a new contract with new treatment and monitoring requirements and Licensee has refused to do so.

7. On information and belief, it is alleged that the Licensee's abuse of alcohol will continue and escalate, impairing her professional judgment and presenting a danger to her patients.

COUNT I

8. The Licensee has committed an act or acts, including the conduct identified in paragraphs 4 through 7 above, that would justify disciplinary action against her license pursuant to K.S.A. 65-1627 (a)(3) as defined at K.S.A. 65-1626 (xx)(3) in that she has engaged in a pattern of behavior that demonstrates a manifest incapacity or incompetence to practice pharmacy.

COUNT II

12. The Licensee's license is subject to discipline, pursuant to K.S.A. 65-1627 (a)(4), in that she is addicted to alcohol to such a degree as to render her unfit to practice the profession of pharmacy.

WHEREFORE it is requested that proceedings be initiated, pursuant to the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and that in accordance therewith findings and conclusions be made that facts exist and the Licensee has committed acts which justify disciplinary action being taken against her Kansas license to practice pharmacy and order such disciplinary action as shall be determined to be appropriate.



Randall J. Forbes, KS #09089/MO #64335
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555 S. Kansas Avenue, Suite 303
Topeka, Kansas 66603
Tel: (785) 354-1100
Fax: (785) 354-1113
rforbes@fufllaw.com
Attorney for the Kansas Board of
Pharmacy

CERTIFICATE OF SERVICE

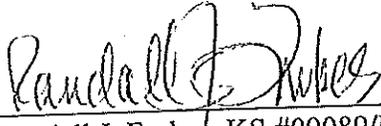
I hereby certify that I did, on the 20th day of November 2013, deposit in the United States mail, first class postage prepaid, a copy of this **PETITION TO REVOKE, SUSPEND OR OTHERWISE LIMIT LICENSURE**, properly addressed to the following:

original to:

Debra Billingsley
Executive Director
KANSAS BOARD OF PHARMACY
800 SW Jackson St., Suite 1414
Topeka, KS 66612

and mailed one copy first class mail and one copy certified, return receipt requested to:

Kimberly K. Turner, R.Ph.
765 Southridge
Baxter Springs, KS 66713



Randall J. Forbes, KS #09089/MO #64335

STATE OF KANSAS
BEFORE THE KANSAS STATE BOARD OF PHARMACY

Filed

JUN 09 2010

KANSAS STATE
Board of Pharmacy

In the Matter of)
)
Kimberly K. Turner, R.Ph.)
Kansas License No. 1-11436)
_____)

Case No. 09-93

SETTLEMENT AGREEMENT AND FINAL ORDER

The above captioned matter comes before the Kansas State Board of Pharmacy ("Board"), by request of Kimberly K. Turner, R.Ph. for the purpose of resolving the above-captioned proceeding. Licensee appears in person and without counsel. The Board appears by William C. Rein, Disciplinary Counsel. There are no other appearances.

This Settlement Agreement and Final Order ("Final Order") is based upon the following findings of fact and stipulations:

FINDINGS OF FACT BY THE BOARD

1. The Board is charged with the administration of the Kansas Pharmacy Act (K.S.A. 65-1626, *et seq.*) and with the enforcement of the rules and regulations promulgated thereunder (K.A.R. 68-1-1a *et seq.*). The Licensee is Kimberly K. Turner, R.Ph, License No. 1-11436, ("Licensee") who currently resides at 765 Southridge, Baxter Springs, Kansas 66713. Licensee is subject to all laws and regulations pertaining to the practice of pharmacy administered by the Board.

2. Pursuant to laws and regulations pertaining to the practice of pharmacy, 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.*

EXHIBIT

Such proceedings could result in suspension, revocation, and other disciplinary actions affecting Licensee's ability to work as a Licensed Pharmacist in the State of Kansas.

3. The Kansas Administrative Procedure Act specifically authorizes parties to resolve matters as expeditiously as possible without the need for evidentiary hearings or more formal proceedings under the Act. K.S.A. 77-505

4. On October 22, 2009, Licensee and the Board entered into a Consent Agreement on file herein which resulted in a stipulation that the Licensee would immediately cease practicing pharmacy in the State of Kansas and would not resume the practice of pharmacy without subsequent written permission from the Board. This stipulation was based upon probable cause to believe that the Licensee was in need of treatment for substance abuse due to the diversion of Oxycodone from her employer while working as a pharmacist. The Licensee admitted that she was in need of treatment for substance abuse.

STIPULATIONS

5. Licensee affirmatively states that the Board had probable cause to initiate this proceeding. Licensee, together with her heirs and assigns, and her attorneys, do hereby waive and release, acquit and forever discharge the Board, its respective members and any of its employees, agents, disciplinary attorneys or other attorneys, including any former board members, employees, agents, disciplinary attorneys and other attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to, any claim(s) under the Kansas Tort Claims Act, Kansas common law, and 42 U.S.C. Section 1983, and any claim(s) for attorney's fees and/or expenses under any state or federal statute or regulation, including 42 U.S.C. Section 1988, which may be based upon, arise out of, or relate to any of the matters raised in this proceeding or from the negotiation or execution of this Settlement

Agreement and Final Order. The parties expressly acknowledge and agree that this paragraph is severable from the remaining portions of this Settlement Agreement and Final Order in that it survives in perpetuity even in the event that any court of law deems this Settlement Agreement and Final Order or any portion thereof void or unenforceable.

6. Licensee affirmatively states that she has not practiced pharmacy since the October 22, 2009 Consent Decree was signed by both parties and will not practice pharmacy unless and until the Board's Final Order is issued.

7. Licensee affirmatively states that on October 13, 2009, she entered treatment for detoxification and substance abuse at a facility in the State of Florida. Since her discharge from the treatment facility, Licensee has not taken medications requiring a prescription from a physician without first obtaining a prescription. Licensee also participated in outpatient treatment established for her by the Florida treatment facility. Follow-up treatment included strict medication compliance with her physician's orders, monthly clinic check-ups, and medication management sessions. These requirements were set forth in correspondence dated October 29, 2009 from the Florida treatment facility's medical director to the director of the Kansas Committee on Impaired Pharmacy Practice ("CIPP") sponsored by the Kansas Pharmacists Association.

8. In a letter dated October 23, 2009 to the Board's Director, Licensee confirmed that she was in private counseling at a program in the State of Missouri where she will complete the 12 step program and submit to monitoring.

9. Licensee is participating in a program operated by CIPP. Licensee will continue to follow the recommendations, requirements, and monitoring of the CIPP program throughout the period of probation as set forth later in this Final Order.

10. Both parties desire to settle any and all claims and issues in this matter without more formal procedures under the Kansas Administrative Procedure Act.

11. Licensee acknowledges that she has had the opportunity to have this Agreement reviewed by counsel and is entering into the same of her own free will and volition. Licensee waives her rights to appear by legal counsel, have an evidentiary hearing, request reconsideration by the Board, seek judicial review pursuant to the Kansas Act for Judicial Review (K.S.A. 77-601, *et seq.*), and exercise other rights specifically provided by the Kansas Administrative Procedure Act or the Act for Judicial Review.

12. Licensee acknowledges that no promises have been made by the Board or its counsel concerning continued licensure of Licensee. Future decisions of the Board will depend upon the facts existing at the time of those decisions. The purpose of this Final Order is to resolve the issues which gave rise to this proceeding only.

13. Execution of this Agreement does not constitute any admission of liability by Licensee. However, should Licensee violate any terms, conditions, or orders of the Board set forth herein, the Licensee's prior admission that she diverted Oxycodone from a previous employer may be used against her in any disciplinary proceeding initiated by the Board.

14. Upon written request by the Board or its Director, Licensee agrees to submit, or authorize the submission of, evaluation or treatment records from any healthcare provider pertaining to the issues of alcohol or substance abuse. Failure of the Licensee to submit such records for the Board's inspection will be grounds for disciplinary action up to and including suspension or revocation of her License to practice pharmacy in the State of Kansas.

15. This Agreement contains the entire understanding of the parties hereto, and supersedes all prior negotiations and agreements between the parties, oral or written,

relative to the settlement referenced herein.

16. By affixing their signatures hereunto, Licensee and the Board's Disciplinary Counsel consent to the issuance of a Final Order based upon the above stated findings of fact and stipulations.

17. Upon issuance of this Final Order, Licensee understands and agrees that it will become a public record of the Board and that the limitations it places on the Licensee's practice of pharmacy may be disclosed to employers and other licensed pharmacists as necessary to better ensure that its provisions will be followed and enforced.

ORDERS OF THE BOARD

18. Based upon the above findings of fact and stipulations, the parties agree to the following orders by the Board:

a. The Licensee will enter into a five year contract with the CIPP for continuing evaluation, treatment, and monitoring as established by the CIPP in its sole discretion and judgment. The Licensee will fully participate in all requirements of the CIPP and any failure to do so may result in disciplinary action by the Board. Specifically, disciplinary action may be undertaken by summary proceedings, emergency proceedings, or a petition to suspend or revoke the Licensee's license to practice pharmacy in the State of Kansas. In its sole discretion and judgment, the Board may take any other disciplinary action authorized by the Kansas Administrative Procedure Act.

b. If the Licensee has not already done so, she shall, at her cost, sign a contract with the CIPP as specified in the previous paragraph within one week following the date of this Final Order. The Licensee shall notify the Board, in writing,

that she has signed the contract. The Licensee shall also notify the Board, in writing, within one week of her failure to satisfactorily fulfill any condition or requirement established for her treatment and monitoring by the CIPP. In the event that the Licensee fails to comply with any requirement of the CIPP, the Board reserves the right to proceed with a formal disciplinary action or to approve any new conditions established by the CIPP.

c. During the duration of the five year contract with the CIPP, Licensee agrees not to accept any position as a pharmacist in charge.

d. During the duration of the five year contract with the CIPP, Licensee agrees not to serve as a preceptor.

e. During the duration of the five year contract with the CIPP, Licensee agrees not to work alone.

f. Upon filing a letter or other proof that the Licensee has entered into a five year agreement with the CIPP, Licensee shall be allowed to practice pharmacy within the scope of practice for a R.Ph. and the limitations prescribed by the Orders of the Board set forth above.

g. The Licensee shall appear at the Board meeting at which this matter will be considered and resolved. The Licensee understands and agrees that the Board may review all investigative and treatment records giving rise to this action and the proper resolutions thereof.

h. The Licensee shall at all times comply with the Kansas Pharmacy Act and other statutes and regulations, whether state or federal, pertaining to the practice of pharmacy.

FINAL ORDER

Pursuant to the findings of fact and stipulations referenced herein, the provisions hereof should be and are hereby made the Final Order of the Board.

IT IS SO ORDERED.

Dated this 9th day of June, 2010.


Chairperson/
Kansas State Board of Pharmacy
Landon State Office Building
900 SW Jackson Street- Suite 560
Topeka, KS 66612-1230
(785) 296-4056 Main Office
(785) 296-8420 FAX

SEEN AND AGREED TO BY:


William C. Rein KS # 09579
Disciplinary Counsel
Kansas State Board of Pharmacy

Date: 5/7/2010


Kimberly K. Turner, R.Ph.
765 Southridge
Baxter Springs, Kansas 66713

Date: 3/1/10

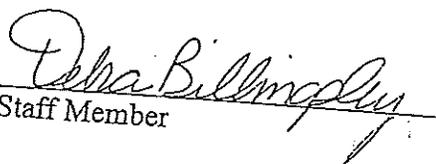
CERTIFICATE OF SERVICE

I hereby certify that on this 9 day of June, 2010, I deposited a true and correct copy of the above and forgoing "Settlement Agreement and Final Order" in the United States Mail, postage prepaid, and addressed to:

Kimberly K. Turner, R.Ph.
765 Southridge
Baxter Springs, Kansas 66713

William C. Rein KS # 09579
Disciplinary Counsel
Kansas State Board of Pharmacy

Direct Mailing Address:
William C. Rein
1831 SE 43rd Terrace
Topeka, KS 66609
(785) 266-3790


Staff Member