

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
THE PROCTOR & GAMBLE)
DISTRIBUTING, LLC)
)
)
)
Registration No. 6-109948)

Case No. 19-413

STIPULATION AND CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Pharmacy Board (the "Board") and The Proctor & Gamble Distributing, LLC located in Cincinnati, Ohio and operating from Iowa City, Iowa ("Respondent") as follows:

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden & Forbes, L.L.P., 1414 SW Ashworth Place, Suite 201, Topeka, Kansas 66604. The Respondent is represented herein by its attorney, Stacy J. Stotts KS#19065.

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., ("Act") including conducting hearings and proceedings to revoke, suspend or otherwise discipline a Kansas registration to operate as a wholesale distributor.

3. Respondent has made application to be registered by the Board as a wholesale distributor of non-prescription drugs.

4. K.S.A 65-1657(c) provides that it is unlawful for any entity to distribute at wholesale any drugs in Kansas without a registration issued by the Board.

5. Respondent hereby waives any further proof in this or any other proceeding before or initiated by the Board with respect to this matter, and upon motion duly made, seconded and passed, the Board finds that

A. On June 7, 2019 the Board received Respondent's application to be registered by the Board as a Wholesale Distributor of Non-Prescription Drugs ("Application"). The Application has not been granted but has been assigned number 6-109948.

B. The Respondent has distributed drugs in Kansas without a valid registration issued by the Board in violation of K.S.A. 65-1643(c).

6. Upon motion duly made, seconded and passed, the Board finds and concludes that the events described in paragraph 5 above constitute the operation of a wholesale distributor in a manner that violates the Act and the Regulations of the Board and is therefore grounds for disciplinary action against the Respondent's Kansas Registration provided for herein, pursuant to K.S.A. 65-1627(f)(6).

7. The Board finds, concludes and orders that the following disposition is just and appropriate under the circumstances:

A. ADMINISTRATIVE FINE. Within ten (10) days of the Board entering the Consent Order provided for herein, Respondent shall pay to the Kansas Pharmacy Board an administrative fine in the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

B. CONDITIONAL REGISTRATION. It is agreed that upon Respondent's execution of this Stipulation, Respondent will be issued a conditional Kansas Wholesale Distributor of Non-prescription Drugs Registration ("Respondent's Registration") which will expire on December 3, 2019 or the next meeting of the Board, whichever come later. If the Board approves this Stipulation and adopts the Consent Order anticipated hereby Respondent's Registration shall become unconditional.

10. The Respondent agrees that this Stipulation and Consent 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, for purposes of this matter, that the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.* is constitutional on its face and as applied in this case.

11. 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.

12. The Respondent acknowledges that it has the following rights:

(a) To have formal notice of charges served upon it;

(b) To file a response to the charges;

(c) To have notice of and participate in a formal adjudicative hearing with the Board or its designee making specific findings of facts and conclusions of law based only upon evidence admitted at such hearing; and

(d) To take advantage of all applicable provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.* and the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*

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 it to those provided for herein. The Respondent further waives the right to seek reconsideration or appeal or otherwise contest this Stipulation and Consent Order provided for herein.

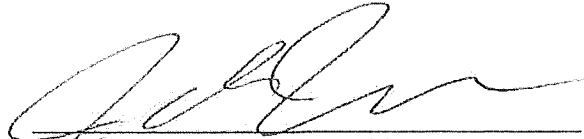
13. The Respondent acknowledges that it enters into this Stipulation and Consent Order freely and voluntarily after consultation with counsel of its choosing. The Respondent

such a petition for judicial review on the Kansas Board of Pharmacy by serving Alexandra Blasi, JD, MBA, its Executive Secretary at 800 SW Jackson St., Suite 1414, Topeka, KS 66612. The Respondent hereby waives those rights.

ENTERED AND EFFECTIVE this 10th day of December, 2019.

KANSAS BOARD OF PHARMACY

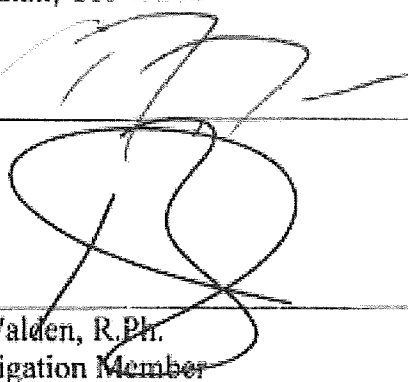
By:


DR. JOHN WORDEN, President

AGREED AND APPROVED BY:

The Proctor & Gamble Distributing, LLC
One Proctor & Gamble Plaza
Cincinnati, OH 45202

By: _____



Bill Walden, R.Ph.
Investigation Member

Date

10/3/19

Date

12/9/19

#19065

Attorney for The Proctor & Gamble Distributing, LLC

Date

10/3/19



Randall J. Forbes, KS#09089 MO#64335
FRIEDEN & FORBES, LLP
1414 SW Ashworth Place, Suite 201
Topeka, KS 66604
(785) 354-1100
Attorney for Kansas Pharmacy Board

Date

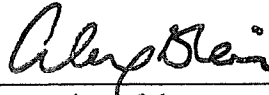
11/08/2019

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing STIPULATION AND CONSENT ORDER was served by depositing same in the United States mail, postage prepaid, this 10th day of December, 2019 addressed to:

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

The Proctor & Gamble Distributing, LLC
Attn: Andrew Fix
One Proctor & Gamble Plaza
Cincinnati, OH 45202



Representative of the
KANSAS BOARD OF PHARMACY