

BEFORE THE  
KANSAS STATE BOARD OF PHARMACY  
Landon State Office Building, Room 513  
Topeka, Kansas 66612  
785/296-4056

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KANSAS ATTORNEY GENERAL  
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In The Matter }  
 }  
of } Case No.  
 }  
STEVE BURNS, }  
Registered Pharmacist, #10836, }  
Respondent }  
\_\_\_\_\_ }

CONSENT AGREEMENT AND ORDER

Now on this 24<sup>th</sup> day of September, 1998, the above-captioned matter comes before the Kansas State Board of Pharmacy (Board) by agreement of Steve Burns, #10836, (Licensee) and the Kansas State Board of Pharmacy for the purpose of settling the above-captioned case.

Licensee hereby acknowledges the following:

1. Steve Burns is a licensed pharmacist within the meaning of the Kansas Pharmacy Act, K.S.A. 65-1625 et seq. and amendments thereto. Steve Burns is also the registered pharmacist in charge of the Abilene Memorial Hospital.

2. On or about April, 21 1998, the Board received a report of information concerning Licensee's conduct alleging Licensee may have violated statutes and regulations governing the practice of pharmacy, to wit:

(a) K.S.A. 65-1637 for failure to enclose and secure the premises of the Abilene Memorial Hospital on or about February 13, 1998.

(b) K.S.A. 65-1637 for failure to enclose and secure the premises of the Abilene Memorial Hospital on or about April 15, 1998.

(c) 21 CFR 1301.72 and 21 CFR 1301.73 as incorporated by K.A.R. 68-20-15a for failing to place controlled substances in a physically secure area to prevent theft and diversion.

(d) K.S.A. 65-1642(b)(1) for failure to properly supervise a pharmacy technician on April 15, 1998.

(e) K.A.R. 68-1-8 for having a pharmacy open without having a pharmacist on duty on February 13, 1998.

(f) K.A.R. 68-1-8 for having a pharmacy open without having a pharmacist on duty on March 10, 1998.

(g) K.A.R. 68-2-11 for failing to have a separate entrance to a pharmacy so it can be completely closed when a pharmacist is not on duty.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations.

4. During the investigation, Licensee was informed of the reported information, and was given the opportunity to respond to the allegations, and did respond to the allegations.

5. As a result of the investigation, the Board makes the following factual determinations:

6. As a result of the investigation, the Board determined that reasonable grounds exist to believe the Licensee has violated K.S.A. 65-1637; 21 CFR 1301.72 and 21 CFR 1301.73 as incorporated by K.A.R. 68-20-15a; K.S.A. 65-1642(b)(1); K.S.A. 65-1626(g); K.A.R. 68-1-8; and K.A.R. 68-2-11.

HOWEVER, Licensee and the Board mutually desire to enter into the Consent Agreement and Order in lieu of adjudicative proceedings to resolve the report of alleged violations.

WHEREFORE Licensee waives all rights to an adjudication of facts and law which could be determined pursuant to a hearing conducted in accordance with the Kansas administrative procedure act in relation to this matter.

WHEREFORE Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas act for judicial review in relation to this matter.

WHEREFORE the Licensee acknowledges that he has committed seven acts in violation of the Kansas Pharmacy Act.

WHEREFORE Licensee consents to:

- a. Payment of a civil fine of five hundred dollars and no cents (\$500.00).
- b. Suspension of his pharmacist-in-charge registration for six (6) months from the date

this Consent Agreement and Order is approved by the Board.

c. Probation for one (1) year from the date this Consent Agreement and Order is approved by the Kansas State Board of Pharmacy.

d. This Consent Agreement and Order constitutes the entire agreement between the Licensee and may be modified or amended only by written agreement signed by the parties.

e. Licensee shall be responsible for all costs incurred in satisfying the terms of the Consent Agreement and Order.

f. Notification of the Consent Agreement and Order shall be provided to another jurisdiction's licensing board if the Licensee is also licensed, registered or certified in another jurisdiction.

g. This Consent Agreement and Order is reportable to state and federal licensing agencies and applicable professional associations.

h. Evidence of Licensee's willful failure to comply with any of the conditions will result in a hearing, with notice and opportunity to be heard, to determine whether Licensee has in fact willfully failed to comply with any conditions. Upon determination at such hearing that Licensee has willfully breached, violated or failed to comply with any condition, Licensee understands and agrees that the license shall be revoked.

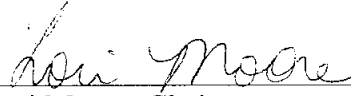
i. Licensee acknowledges an affirmative duty to notify the Board within five (5) days of any changes in personal or professional status which would inhibit compliance with conditions. In such event, a designee of the Board is authorized to modify or amend this Consent Agreement and Order in writing.

WHEREFORE Licensee consents to the submission of this Consent Agreement and Order to the Kansas State Board of Pharmacy, and understands that upon approval of the Board, this Consent Agreement and Order becomes a final order of the Board.

WHEREFORE the Board agrees that so long as licensee complies with the above conditions that the Board will not initiate further disciplinary action against Licensee in relation to violation of K.S.A. 65-1625 et seq.


WHEREFORE the provisions above are consented to and are hereby made the final order of the Kansas State Board of Pharmacy which becomes effective on the date indicated in the below Certificate of Service.

IT IS SO ORDERED.



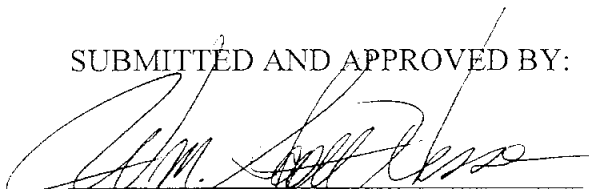
Lori Moore, Chair  
Kansas State Board of Pharmacy

APPROVED AND CONSENTED TO:

  
Steve Burns

8-15-98  
(date)

SUBMITTED AND APPROVED BY:

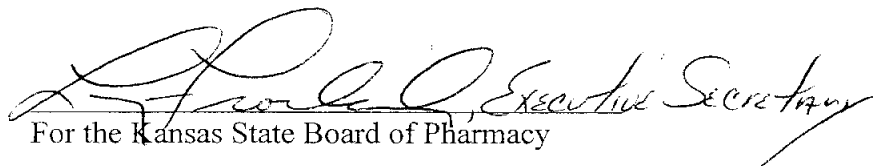
  
WM. SCOTT HESSE  
Assistant Attorney General  
2d Floor, Judicial Center  
Topeka, Kansas 66612  
785/296-2215

9/24/98  
(date)

Certificate of Service

This is to certify that on the 28<sup>th</sup> day of September, 1998 a true and correct copy of the above and foregoing Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Steve Burns  
1515 East Iron  
Salina, Kansas 67401

  
For the Kansas State Board of Pharmacy