

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

In The Matter }  
 }  
 of }  
 }  
 STEVE DAWKINS, }  
 Registered Pharmacist, #1-10623, }  
 Respondent }  
 \_\_\_\_\_ }

CONSENT AGREEMENT AND ORDER

Now on this 5<sup>th</sup> day of November, 1998 the above-captioned matter comes before the Kansas State Board of Pharmacy (Board) by agreement of Steve Dawkins, (Licensee) and the Kansas State Board of Pharmacy for the purpose of settling the above-captioned case.

Licensee hereby acknowledges the following:

1. Steve Dawkins is a license of the Kansas State Board of Pharmacy within the meaning of the Kansas Pharmacy Act, K.S.A. 65-1625 et seq. and amendments thereto.
2. On or about April, 30 1998 at 4:30 p.m. Board inspector James E. Kinderknecht conducted a routine inspection at the OSCO Drug Store, 4645 Shawnee, Kansas City, Kansas and witnessed violations of the statutes and regulations governing the practice of pharmacy, to wit: The licensee, as Pharmacist-in-charge of the above named pharmacy failed to maintain an appropriate pharmacy technician to pharmacist ration of less than two pharmacy technicians to every pharmacist in violation of K.S.A, 65-1642 and K.A.R. 68-7-12.
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:

On April 30, 1998 at 4:30 p.m. Board Inspector James E. Kinderknecht observed three pharmacy technicians on duty at the OSCO Drug Store, 4645 Shawnee, Kansas City, Kansas when only one pharmacist was on duty. In addition, signs posted at the above mentioned OSCO Drug Store indicated that a fourth pharmacy technician was on duty.

6. As a result of the investigation, the Board determined that reasonable grounds exist to believe the Licensee has violated K.S.A. 65-1642 and K.A.R. 68-7-12.

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 Licensee consents to the following:

(a). A civil penalty in the amount of \$500 to be paid at the time of acceptance of this Consent Agreement and Order by the Board.

(b). 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.

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

(d). 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.

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

(f). 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.

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.

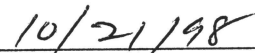
WHEREFORE the provisions above are consented to and are hereby made the final order of the Kansas State Board of Pharmacy which become effective on the date indicated in the below Certificate of Service.

IT IS SO ORDERED.

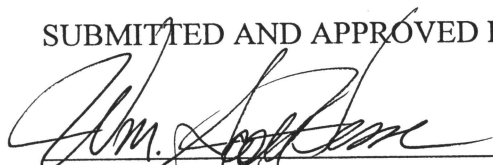
  
~~Lori Moore, Chair~~ Vicki Schmidt, Vice Chair  
Kansas State Board of Pharmacy

APPROVED AND CONSENTED TO:

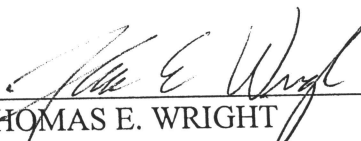
  
\_\_\_\_\_  
Licensee

  
\_\_\_\_\_  
(date)

SUBMITTED AND APPROVED BY:

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

  
\_\_\_\_\_  
(Date)

  
\_\_\_\_\_  
THOMAS E. WRIGHT  
Second Floor, Commerce Bank Bldg.  
100 E. 9<sup>th</sup> Street  
P.O. Box 3555  
Topeka, Kansas 66601-3555

11-5-98  
\_\_\_\_\_  
(Date)

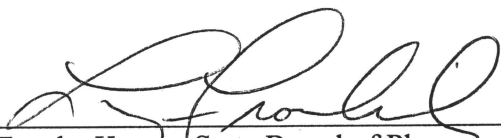
Certificate of Service

This is to certify that on the 9<sup>th</sup> day of November, 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:

WM. SCOTT HESSE  
Assistant Attorney General  
2d Floor, Judicial Center  
Topeka, Kansas 66612

THOMAS E. WRIGHT  
Second Floor, Commerce Bank Bldg.  
100 E. 9<sup>th</sup> Street  
P.O. Box 3555  
Topeka, Kansas 66601-3555

STEVE DAWKINS  
5330 Clark Drive  
Roeland Park, Kansas 66205

  
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For the Kansas State Board of Pharmacy