

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

In The Matter	}	
	}	
of	}	Case No.
	}	
MICHAEL MILES,	}	
Registered Pharmacist, #1-12570,	}	
Respondent	}	
_____	}	

CONSENT AGREEMENT AND ORDER

Now on this 15th day of June, 2000, the above-captioned matter comes before the Kansas State Board of Pharmacy (Board) by agreement of Michael Miles, (Licensee) and the Kansas State Board of Pharmacy for the purpose of settling the above-captioned case.

The Licensee hereby acknowledges the following:

1. Michael Miles is a licensed pharmacist within the meaning of the Kansas Pharmacy Act, K.S.A. 65-1625 et seq. and amendments thereto.
2. On or about March 21, 2000, Inspector Chris Gassen of the board conducted an inspection of the Licensee's pharmacy and determined the Licensee may have violated statutes and regulations governing the practice of pharmacy.
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 determines that the licensee:
 - (A) failed to repackage a prescription-controlled substance, phenobarbital, with any directions from the prescribing physician;
 - (B) repackaged a prescription-controlled substance, phenobarbital, without the correct

dosage;

(C) failed to include the name address and telephone number of the pharmacy originally dispensing a prescription-controlled substance, phenobarbital.

(D) failed to repackage a prescription-controlled substance, phenobarbital, with the name of the prescribing physician, the date the prescription was filled and the lot number.

(E) failed to repackage a prescription-controlled substance, phenobarbital, with the identification number assigned by the dispensing pharmacy.

(F) failed to repackage a prescription-controlled substance, phenobarbital, with the date the prescription was initially filled.

(G) incorrectly stated the strength of the prescription was 90 mg of phenobarbital when, in fact, the correct strength of the prescription was 98 mg.

(H) failing to include the lot number for the manufacturer of the prescription-controlled substance.

(I) failing to state the date the prescription for phenobarbital was initially filled.

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(a); K.S.A. 65-1627(a)(8) as implemented by K.A.R. 68-7-10(c)(2); K.S.A. 65-1627(a)(8) as implemented by K.S.A. 68-7-14; K.S.A. 65-1627(a)(8) as implemented by K.A.R. 68-20-20(d).

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:

(a) the payment of an administrative fine in the amount of One Thousand Five Hundred ~~000.00~~ ^{000.00} ~~1,500.00~~ dollars. *WSH/mm*

(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 the Licensee has willfully breached, violated or failed to comply with any condition, Licensee understands and agrees that the license shall be revoked.

(g) 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.

(h) The licensee shall appear in person before the Kansas State Board of Pharmacy on June 15, 2000 at 4:00 PM at the Amerisuites Hotel, 6021 SW Sixth Avenue, Topeka, Kansas 66615 to respond to any questions or comments that may be posed by the board.

(i) The licensee shall attend a pharmacy work shop to be sponsored by the Sheridan County Hospital for all staff where the inspectors of the Kansas Board of Pharmacy will be in attendance. The work shop will be held at a time and place yet to be determined.

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.

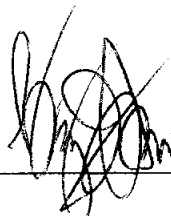
WHEREFORE Licensee agrees that all information in the possession of the Board or its attorney regarding the complaint which led to this disciplinary action, the investigation of the complaint and all information discovered during the pendency of the disciplinary action may be disclosed to and considered by the Board as part of the presentation and consideration of the proposal of settlement in the form of this Consent Agreement and Order and the Final Order provided for

herein, with or without the presence of the licensee or the licensee's attorney. In the event that this Consent Agreement and 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 Consent Agreement and Order or the information mentioned in the preceding sentence and further agrees to waive any claim of 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.

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 regarding this matter.

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.



Chair
Kansas State Board of Pharmacy

APPROVED AND CONSENTED TO:

Michael Miles
MICHAEL MILES
Sheridan County Hospital Pharmacy
828 18th Street
Hoxie, Kansas 67740

6/15/00
(Date)

SUBMITTED AND APPROVED BY:

Wm. Scott Hesse
WM. SCOTT HESSE
Assistant Attorney General
Office of the Attorney General
120 SW Tenth Avenue
Topeka, Kansas 66612
785/296-2215

6/15/00
(Date)

APPROVED BY:



J. RANDALL CLINKSCALES
Clinkscales and Brubaker
201 West 11th Street
P.O. Box 722
Hays, Kansas 67601

6-13-00

(Date)

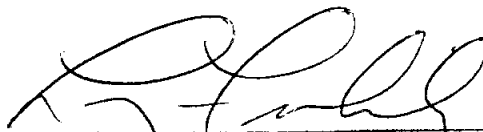
Certificate of Service

This is to certify that on the 15 day of JUNE, 2000 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 66614

Michael Miles
Sheridan County Hospital Pharmacy
828 18th Street
Hoxie, Kansas 67740

J. Randall Clinkscales
Clinkscales and Brubaker
201 West 11th Street
P.O. Box 722
Hays, Kansas 67601



For the Kansas State Board of Pharmacy