

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

In The Matter

of

RONALD L. NICHOLS,  
Registered Pharmacist, #1-11878,  
Respondent

Case No.

CONSENT AGREEMENT AND ORDER

Now on this 6<sup>th</sup> day of April, 1999, the above-captioned matter comes before the Kansas State Board of Pharmacy (Board) by agreement of Ronald L. Nichols, (Licensee) and the Kansas State Board of Pharmacy for the purpose of settling the above-captioned case.

Licensee hereby acknowledges the following:

1. Ronald L. Nichols 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 November 4, 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) On or about October 5, 1998, the complainant, Vicki L. Schmidt, Vice President of the Kansas State Board of Pharmacy, purchased a prescription for amoxicillin to be used by Tyler Schmidt from the licensee who was working at the OSCO Drug store located at 1401 SW Gage Blvd, Topeka, Kansas. After purchase of the prescription, the licensee, Ronald L. Nichols, failed to properly counsel the complainant as required by K.A.R. 68-2-20(a)(5).

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:

- (a) On or about October 5, 1998, the complainant, Vicki L. Schmidt, Vice President of the Kansas State Board of Pharmacy, purchased a prescription for amoxicillin to be used by Tyler Schmidt from the licensee who was working at the OSCO Drug store located at 1401 SW Gage Blvd, Topeka, Kansas. After purchase of the prescription, the licensee, Ronald L. Nichols, failed to properly counsel the complainant as required by K.A.R. 68-2-20(a)(5).

6. As a result of the investigation, the Board determined that reasonable grounds exist to believe the Licensee has violated K.S.A. 65-1627(a)(5) and K.S.A. 65-1658 as interpreted by K.A.R. 68-2-20(a)(5).

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) a Five Hundred Dollar (\$500.00) civil penalty to be paid upon 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.

(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.


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.

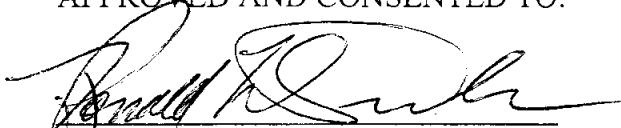
WHEREFORE the Board agrees that so long as licensee complies with the above conditions that the Board will not initiate further disciplinary action against Licensee in relation to violation of K.S.A. 65-1625 et seq regarding this matter.

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.


  
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Lori Moore, Chair  
Kansas State Board of Pharmacy

APPROVED AND CONSENTED TO:


  
\_\_\_\_\_  
Licensee  
Ronald L. Nichols  
141 West Fremont  
Burlingame, Kansas 66413

3-12-99  
(Date)

SUBMITTED AND APPROVED BY:

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

4/6/99  
(Date)

  
\_\_\_\_\_  
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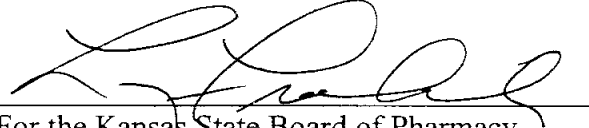
Certificate of Service

This is to certify that on the 5<sup>th</sup> day of April, 1999 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:

Ronald L. Nichols  
141 West Fremont  
Burlingame, Kansas 66413

Wm. Scott Hesse  
Assistant Attorney General  
2d Floor, Judicial Center  
Topeka, Kansas 66614

Thomas E. Wright  
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Topeka, Kansas 66601-3555

  
For the Kansas State Board of Pharmacy,  
*Executive Secretary*