

BEFORE THE STATE BOARD OF PHARMACY
FOR THE STATE OF KANSAS

IN RE: THE MATTER OF

PAUL E. O'HARA, RPh.
License No. 1-08582
501 North 9th Street
Garden City, KS. 67846

STIPULATION OF FINDING OF FACT AND ORDER

This matter comes before the State Board of Pharmacy for the State of Kansas this 10th day of July, 1998.

The State Board of Pharmacy appears by Barry Sarvis, RPh., Presiding Officer; Lori Moore, RPh., President; Vicki Schmidt, RPh.; Patricia Lou Greenhaw, RPh.; Dan Katzer, RPh.; Barry Sarvis, RPh.; and Dan Upson, DVM, Consumer Representative. Also appearing are Larry Froelich, RPh., Executive Secretary, and Scott Hesse, Assistant Attorney General for the Board. Paul E. O'Hara, RPh., appears personally.

Paul E. O'Hara, RPh., states that he has been advised of his procedural rights under the Kansas Practice Act and the Kansas Administrative Procedure Act, wherein Counsel for the Board advised Paul E. O'Hara, RPh. of his rights to a formal hearing wherein he has a right to be represented by counsel, call witnesses on his behalf, cross-examine the Board's witnesses and other procedural rights. Counsel further advised Paul E. O'Hara, RPh. of the statutory sections of the law which were allegedly violated and the statute giving the Board jurisdiction in this matter. Whereupon Paul E. O'Hara, RPh. waived his right to a Formal Hearing.

Paul E. O'Hara, RPh. further states that no issue of fact exists and wishes to stipulate to the following findings of fact and accepts the order of the State Board of Pharmacy, to-wit:

1. That Paul E. O'Hara, RPh. 501 North 9th Street, Garden City, Kansas, 67846, is a licensed pharmacist in the state of Kansas, having License No. 1-08582.
2. That Paul E. O'Hara, RPh. was an employee of Dillons Pharmacy #5, 1305 East Kansas, Garden City, Kansas, 67846, Kansas Pharmacy Registration No. 2-08600, in February 1998.

COUNT I

3. That on or about February 1, 1998, said Paul E. O'Hara, RPh. filled Prescription #6693100 with Amoxapine 100mg., written by Br. Jabel for Catherine Unger, when, in fact, the practitioner had written the prescription for Amantadine 100mg., a violation of K.S.A. 65-1637(a).

COUNT II

4. That prescription #6693100 was a new prescription. Had the patient, Catherine Unger, been properly counseled by the pharmacist, said error would have been discovered before the patient has administered the wrong drug, a violation of K.A.R. 68-2-20(e).

COUNT III

5. On or about February 11, 1998, Dr. Stephen C. Meyer called Dillons Pharmacy #5, 1305 East Kansas, Garden City, Kansas, and spoke to Paul E. O'Hara, RPh. concerning the incorrect filling of the prescription. On March 2, 1998, Inspector for the Kansas State Board of Pharmacy, visited Dillons Pharmacy #5 and no one, not even Theresa Morgan, RPh. and Pharmacist in Charge of Dillons Pharmacy #5, knew of the error, nor even where the prescription was

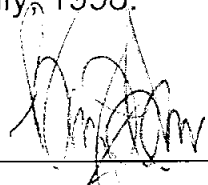
located. Later it turned up, tacked to the bulletin board. Paul E. O'Hara, RPh. had not told Theresa Morgan, RPh. and Pharmacist in Charge, of the error so that a proper incident report could be made, a violation of K.A.R. 68-7-12.

The State Board of Pharmacy for the State of Kansas, pursuant to K.S.A. 65-1627(a)(6) and K.S.A. 65-1627(a)(8), has jurisdiction and power to revoke, suspend or place on probation, and pursuant to K.S.A. 65-1658, fine Paul E. O'Hara, RPh.

IT IS THEREFORE ORDERED that Paul E. O'Hara, RPh.,
Kansas Pharmacist License No. 1-08582 be:

WSH
DO 1. Fined in the amount of \$400 to be paid within 30
days of execution of this document.

Dated this 10th day of July, 1998.



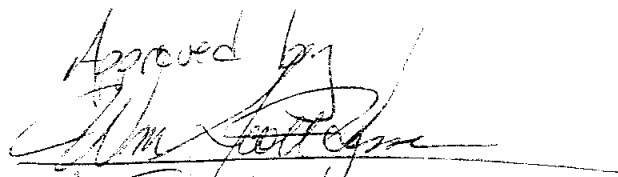
Barry Sarvis, RPh.
Presiding Officer
State Board of Pharmacy
for the State of Kansas

I, Paul E. O'Hara, RPh., have hereby read the foregoing Stipulation and Order and fully understand the violations of which I am stipulating to and understand the terms of this Stipulation.



Paul E. O'Hara, RPh.
Kansas Pharmacist License No. 1-08582

PREPARED BY:
Larry Froelich, RPh.
Executive Secretary
Kansas State Board of Pharmacy

Approved by

William Scott Hesse
Assistant Attorney General