

**BEFORE THE KANSAS BOARD OF PHARMACY**

In The Matter Of	)	
	)	Case No. 06-32
JAY PARKER, R.Ph.	)	
<u>LICENSE NO. 1-08993</u>	)	

**FINAL AGENCY ORDER**

On September 12, 2006, a hearing was held before the Kansas Board of Pharmacy (the "Board") on the Petition to Revoke, Suspend or Otherwise Limit Licensure filed in the above-captioned matter regarding Jay Parker, R.Ph. ("Parker"). After considering the evidence admitted at the hearing, the Board enters the following final agency order.

**I. FINDINGS OF FACT**

1. The Board previously issued Parker license number 1-08993, which entitled him to practice pharmacy in the State of Kansas ("License").

2. In a letter dated July 5, 2006, James Kinderknecht, R.Ph., a Board Inspector, inquired of Darrin L. Cox, PA, of Cotton-O'Neil Clinic whether Jay Parker, R.Ph., of Parker's Pharmacy had obtained authorization for twenty-five (25) new prescriptions. Mr. Cox responded that neither he nor his agent authorized the prescriptions. [Exhibit 1].

3. In a letter dated July 5, 2006, James Kinderknecht, R.Ph., a Board Inspector, inquired of Dr. Laurie Conway of Cotton-O'Neil Clinic whether Jay Parker, R.Ph., of Parker's Pharmacy had obtained authorization for forty-four (44) new prescriptions. Dr. Conway responded that she only authorized one (1) of the prescriptions. [Exhibit 2].

4. In an investigative report dated July 12, 2006, James Kinderknecht, R.Ph., a Board Inspector, provided documentation of sixty-five (65) new prescriptions from Jay Parker, R.Ph., of Parker's Pharmacy that were determined to be fraudulent. [Exhibit 3].

5. In an investigative report dated August 8, 2006, James Kinderknecht, R.Ph., a Board Inspector, provided documentation of information received from Blue Cross Blue Shield of Kansas that identified twenty-one (21) members who were billed for sixty-one (61) medications not dispensed by Jay Parker, R.Ph., of Parker's Pharmacy. [Exhibit 4].

6. In an investigative report dated June 16, 2006, James Kinderknecht, R.Ph., a Board Inspector, provided documentation of the Medicaid billing practices of Jay Parker, R.Ph., of Parker's Pharmacy from 2003 to May 23, 2006. [Exhibit 5].

7. In a summary report dated August 8, 2006, James Kinderknecht, R.Ph., a Board Inspector, summarized his investigative reports and opined that a large percentage of Jay Parker's business was fraudulent. [Exhibit 6].

## II. CONCLUSIONS OF LAW AND FACT

8. For a number of years, Jay Parker, R.Ph., created numerous fraudulent prescriptions and fraudulently submitted claims for payment for those fraudulent prescriptions.

9. Parker violated the Kansas Pharmacy Law as specified in Count I of the Petition to Revoke, Suspend or Otherwise Limit Licensure. As a result, Parker's License to practice pharmacy may be disciplined pursuant to K.S.A. 65-1627(a)(3), as defined in K.S.A. 65-1626(ee)(2).

10. Parker violated the Kansas Pharmacy Law as specified in Count II of the Petition to Revoke, Suspend or Otherwise Limit Licensure. As a result, Parker's License to practice

pharmacy may be disciplined pursuant to K.S.A. 65-1627(a)(3), as defined in K.S.A. 65-1626(ee)(3).

11. Parker violated the Kansas Pharmacy Law as specified in Count III of the Petition to Revoke, Suspend or Otherwise Limit Licensure. Parker admitted that he committed the violation specified in Count III. [Hearing Transcript, p. 27, lines 2 – 5; p. 31, line 14 – p. 32, line 3]. As a result, Parker's License to practice pharmacy may be disciplined pursuant to K.S.A. 65-1627(a)(3), as defined in K.S.A. 65-1626(hh)(4).

12. Parker violated the Kansas Pharmacy Law as specified in Count IV of the Petition to Revoke, Suspend or Otherwise Limit Licensure. As a result, Parker's License to practice pharmacy may be disciplined pursuant to K.S.A. 65-1627(a)(3), as defined in K.S.A. 65-1626(hh)(7).

13. Parker violated the Kansas Pharmacy Law as specified in Count V of the Petition to Revoke, Suspend or Otherwise Limit Licensure. As a result, Parker's License to practice pharmacy may be disciplined pursuant to K.S.A. 65-1627(a)(8).

14. Parker violated the Kansas Pharmacy Law as specified in Count VI of the Petition to Revoke, Suspend or Otherwise Limit Licensure. Parker admitted that he committed the violation specified in Count VI. [Hearing Transcript, p. 27, lines 2 – 5; p. 31, line 14 – p. 32, line 8]. As a result, Parker's License to practice pharmacy may be disciplined pursuant to K.S.A. 65-1627(a)(11).

### **III. FINAL ORDER**

Based upon the evidence introduced at the hearing held September 12, 2006 and the foregoing findings and conclusions, Parker's License to practice pharmacy in Kansas (Kansas license number 1-08993) is hereby revoked.

Parker is hereby assessed an administrative fine in the amount of Twenty-Four Thousand Dollars (\$24,000.00), plus allowable Board expenses in the amount of Nine Hundred Twenty-Nine and 25/100 Dollars (\$929.25), to be paid to the Board within thirty (30) days of the effective date of this Final Agency Order.

Within fifteen (15) days after service of this Final Agency Order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

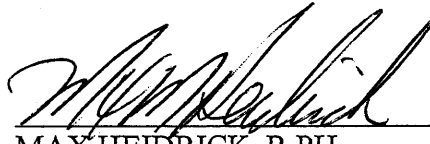
Within the time limits established in K.S.A. 77-613, either party may seek judicial review of this Final Agency Order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Debra L. Billingsley  
Executive Director  
Kansas Board of Pharmacy  
900 SW Jackson, Suite 560  
Topeka, Kansas 66612-1231

**IT IS SO ORDERED.**

Date

11/20/06



MAX HEIDRICK, R.PH.

President

Kansas Board of Pharmacy

CERTIFICATE OF SERVICE

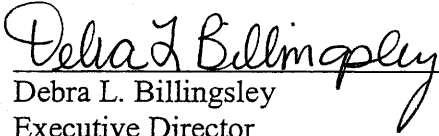
I hereby certify that a true and correct copy of the above and foregoing FINAL AGENCY ORDER was sent by United States Mail, postage prepaid, on this the 21 day of November, 2006, and properly addressed to the following:

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Debra L. Billingsley  
Executive Director  
Kansas Board of Pharmacy