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KANSAS STATE Board of Pharmacy

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BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of)
)
RAY PERRENOUD)

Case No. *06-67*

STIPULATION AND FINAL AGENCY ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Kansas Pharmacy Board (the "Board") and Ray Perrenoud (the "Applicant") as follows:

1. The Board is represented herein by its attorney, Randall J. Forbes of Frieden & Forbes, 555 South Kansas Avenue, Suite 303, Topeka, Kansas 66603. The Applicant is represented herein by his attorney,

2. The Board is the Kansas agency vested with the authority to carry out and enforce the provisions of the Kansas Pharmacy Law, K.S.A. 65-1626 *et seq.*, including conducting hearings and proceedings regarding the granting, limiting, revoking, suspending, or otherwise disciplining a Kansas license to practice pharmacy.

3. The Applicant has applied to the Board for a license to practice pharmacy in the State of Kansas.

4. The Board has received certain information, has investigated and has determined that there are reasonable grounds to believe that the Applicant has committed an act or acts that would justify denying his application for licensure pursuant to the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.*

Applicant hereby admits and waives any further proof in this or any other proceeding before or initiated by the Board that while a pharmacy student he smoke marijuana and thereafter drank alcohol , in violation of his agreement with the Heart of America Professional Network, which he entered into through the Kansas Pharmacy Impaired Provider Program.

The Board finds and concludes that the aforesaid conduct is could justify denial of the Applicant's application for a license to practice pharmacy in the State of Kansas.

5. The Board finds and the Applicant agrees that the following disposition is just and appropriate under the circumstances:

A. LICENSURE. Subject to the terms of paragraphs 5B and 5C below, the Applicant shall be issued a license to practice pharmacy in the State of Kansas.

B. IMPAIRED PROVIDER PROGRAM. If Applicant is not currently a party to an agreement with the Kansas Pharmacy Impaired Provider Program, the Applicant shall immediately enter into an agreement with the Kansas Pharmacy Impaired Provider Program for treatment. Said program shall be for a period of no less than five (5) years. Applicant shall fully cooperate with the recommendations and requirements of the persons managing and implementing the Kansas Pharmacy Impaired Provider Program, the recommendations and requirements of the persons managing and implementing the evaluation and treatment programs recommended or required by the Kansas Pharmacy Impaired Provider Program and the further requirements of the Board. Applicant shall, at all times, be in full compliance with the requirements of the Kansas Pharmacy Impaired Provider Program. The Applicant shall authorize the Kansas Pharmacy Impaired Provider Program and any provider of evaluation or treatment programs he engages in to provide full and complete documentation and information regarding the Applicant's involvement in the programs, his evaluations and

treatment, including, but not limited to, all records and medical reports. The Applicant stipulates that violation of this provision shall be grounds for revocation or other discipline of the license Applicant will be granted.

C. OTHER REQUIREMENTS. Applicant acknowledges and agrees that as a condition of this Stipulation and Final Agency Order he must:

1. Comply fully with this Stipulation and Final Agency Order;
2. Comply fully with the Kansas Pharmacy Act, the Board's rules and regulations and all state and federal laws relating to Kansas pharmacists;
3. Appear at the Board meeting at which the Stipulation is considered.

It shall be the Applicant's responsibility to contact the Board's Executive Director at the Board office to determine the time and place when the Stipulation shall be considered.

6. Applicant agrees that all information in the possession of the Board's Investigation Member, its staff, its investigators and its attorney regarding this matter and the investigation into Applicant's conduct 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 Stipulation and Final Agency Order and the Final Order provided for herein, with or without the presence of the Applicant or his attorney. In the event that this Stipulation and Final Agency Order and the Final Order provided for herein are not accepted and approved by the Board, the Applicant further waives any objection to the Board members' consideration of this Stipulation and Final Agency Order or the information mentioned in the preceding sentence and further agrees to waive any claim of a 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.

7. The stipulations contained herein shall not become binding until this Stipulation and Final Agency Action is approved by the Board and the Final Order provided for herein is entered by the Board. The Applicant acknowledges that the approval of the Board's attorney or the Board's Investigation Member shall not constitute the approval of the Board or bind the Board to approve this Stipulation and Final Agency Action or the Final Order provided for herein.

8. The Applicant agrees that this Stipulation and Final Agency Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it and enter the Final Order provided for herein. The Applicant further agrees that the Kansas Pharmacy Act, K.S.A. 65-1626 *et seq.* is constitutional on its face and as applied in this case.

9. This stipulation constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by them. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

10. The Applicant acknowledges that he has the following rights:
- A. To have formal notice of charges served upon him;
 - B. To file a response to the charges;
 - C. To have notice of and participate in a formal adjudicative hearing with the Board making specific findings of facts and conclusions of law based only upon evidence admitted at such hearing.
 - D. To take advantage of all applicable provisions of the Kansas Administrative Procedures Act and the Act for Judicial Review and Civil Enforcement of Agency Action.

The Applicant freely waives these rights and acknowledges that said waiver is made voluntarily and in consideration of the Board's granting him a license to practice pharmacy in the State of Kansas. The Applicant further waives the right to seek reconsideration or appeal or otherwise contest this Stipulation and Final Agency Order and the Final Order provided for herein.

11. The Applicant acknowledges that he enters into this Stipulation and Final Agency Order freely and voluntarily after consultation with counsel of his choosing or an opportunity to do so. The Applicant further acknowledges that he has read this Stipulation and Final Agency order in its entirety, that he understands its legal consequences and that he agrees that none of its terms are unconscionable, arbitrary or capricious.

12. Time is of the essence to this Stipulation and Final Agency Order. Applicant acknowledges and agrees that any violation of this Stipulation and Final Agency Order shall constitute a willful violation of a lawful Board order and grounds for further disciplinary action against him. The pendency of any disciplinary action arising out of an alleged violation of this Stipulation and Final Agency Order shall not affect the obligation of Applicant to comply with all terms and conditions of this Stipulation and Final Agency Order.

13. This Stipulation and Final Agency Order constitutes the entire and final agreement of the parties. In the event any provision of this Stipulation and Final Agency Order is deemed invalid or unenforceable by a court of competent jurisdiction, it shall be severed and the remaining provisions of this Stipulation and Final Agency Order shall be given full force and effect.

14. Upon execution by all parties, this Stipulation and Final Agency Order shall be a public record in the custody of the Board.

15. This Stipulation and Final Agency Order shall become effective on the day it is approved, accepted and made an order of the Board by way of signature of the Board's authorized representative.

16. The Applicant acknowledges that he has been advised by the Board that he would have the right within 15 days after service of the Final Order provided for herein to file a petition for reconsideration with the Board and the right within 30 days after service of the Final Order provided for herein to file a petition for judicial review in the District Court of Shawnee County, Kansas in accordance with the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* and to serve such a petition for judicial review on the Kansas Pharmacy Board by serving Debra L. Billingsley, its Executive Director at Landon Office Building, 900 SW Jackson, Room 560, Topeka, KS 66612-1231. The Applicant hereby waives those rights.

AGREED AND ACCEPTED BY:


RAY PERRENOUD

10-17-06
Date


JOANNE GILSTRAP, R.Ph.
Investigation Member

2-13-07
Date

APPROVED BY:

Date



Date

Randall J. Forbes, #09089
FRIEDEN & FORBES
555 S. Kansas Avenue, Suite 303
Topeka, KS 66603
(785) 232-7266

BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of

RAY PERRENOUD

Case No. 06-67

FINAL ORDER

Upon motion duly made, seconded and passed, the Kansas Pharmacy Board (the "Board") approves and accepts the within Stipulation and Final Agency Order and incorporates the provisions thereof as the Final Order of the Board.

ENTERED AND EFFECTIVE this 6 day of March, 2006.

KANSAS PHARMACY BOARD

By:



Max Heidrick, R.Ph.

President

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing STIPULATION AND FINAL AGENCY ORDER was served by depositing same in the United States mail, postage prepaid, this 9 day of March, 2006 addressed to:

Randall J. Forbes
FRIEDEN, HAYNES & FORBES
555 S. Kansas Avenue, Suite 303
Topeka, KS 66603

Ray Perrenoud
433 So. 76th St.
Kansas City, KS 66111


Debra L Billingsley
Executive Director
KANSAS PHARMACY BOARD