

BEFORE THE STATE BOARD OF PHARMACY
FOR THE STATE OF KANSAS

STATE BOARD OF PHARMACY
FOR THE STATE OF KANSAS

Plaintiff,

VS.

MATTHEW RICHARD PERRY,
License No. 1-11833

Defendant.

STIPULATION TO FINDING OF FACT AND AGREED ORDER

This matter comes before the State Board of Pharmacy for the State of Kansas, this 20th day of June, 1997.

The State Board of Pharmacy appears by Karla Kneebone, President and Presiding Officer; Barry Sarvis, Vice-President; Dan Katzer, Pharmacist; Vicki Schmidt, Pharmacist; Lori Moore, Pharmacist; and Dan Upson, D.V.M., Consumer Representative. Also appearing are Larry Froelich, Executive Secretary, and the attorney for the Board, Dana W. Killinger.

Matthew R. Perry states by signing this document that he has been advised of his procedural rights under the Pharmacy Practice Act and Administrative Procedure Act, and Matthew R. Perry has been advised 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 Matthew R. Perry of the statutory sections

of the law which were allegedly violated and the statute giving the Board jurisdiction in the matter.

After the Board filing it's Petition for Formal Hearing, a Settlement Agreement was reached by the parties.

Matthew R. Perry states in lieu of a formal hearing that he will enter a plea of no contest to a finding of violations of Counts I, II, III, IV, V and VI and accepts the sanctions imposed by this Agreed Order, to-wit:

1. That Matthew R. Perry is a licensed pharmacist in the State of Kansas, having License No. 1-11833, and giving his address as 6527 East Odessa, Wichita, Kansas 67226.

COUNT I

2. That on or about May 8, 1996, Matthew R. Perry filled Prescription No. 77337-03058 for patient Steve Parsons. Said prescription was written by practitioner, J. French, M.D. for Nasacort Inhaler. Said Matthew R. Perry filled the prescription with Rhinocort Nasal Inhaler without first obtaining the practitioner's consent, a violation of K.S.A. 65-1637(a).

COUNT II

3. The Petitioner pleads all the allegations and facts contained in Paragraph 2 of Count I.

4. In addition, Petitioner alleges and states

that Matthew R. Perry, unknown to his employer or Pharmacist in Charge was obtaining samples of Rhinocort Nasal Inhaler from an Astra drug representative by the name of Brad Danahy and substituted the Rhinocort Nasal Inhaler for the Nasacort Inhaler. Said Matthew R. Perry has no permit to distribute or dispense samples, a violation of K.S.A. 65-1643(e).

COUNT III

5. The Petitioner pleads all the allegations and facts contained in Paragraph #2 and #3 and states that such is a violation of 21 U.S.C. 353(c) (The Dingell Bill).

COUNT IV

6. That on or about June 28, 1996, said Matthew R. Perry filled Prescription No. 81570-3058 for patient Sally Luallen. Said prescription was telephoned in by practitioner, M. Campion, M.D. for Vancenase AQ nasal spray. Said Matthew R. Perry filled the prescription with Rhinocort Nasal Inhaler without first obtaining the practitioner's consent, a violation of K.S.A. 65-1637(a).

COUNT V

7. The Petitioner pleads all the allegations and facts contained in Paragraph #2 of Count I.

8. In addition, Petition alleges and states that Matthew R. Perry, unknown to his employer or Pharmacist

in Charge, was obtaining samples of Rhinocort Nasal Inhaler from an Astra drug representative by the name of Brad Danahy and substituting the Rhinocort Nasal Inhaler for the Vancenase AQ Nasal spray. Said Matthew R. Perry has no permit to distribute or dispense samples, a violation of K.S.A. 65-1643(e).

COUNT VI

9. The Petitioner pleads all the allegations and facts contained in Paragraph #2 and #3 and states that such is a violation of 21 U.S.C. 353(c) (The Dingell Bill).

10. Pursuant to K.S.A. 65-1627(a)(3), (4) and (13) the State Board of Pharmacy for the State of Kansas has authority to revoke, suspend or place on probation and pursuant to K.S.A. 65-1658, fine the Defendant.

IT IS THEREFORE ORDERED that Matthew R. Perry, License #1-11833 be :

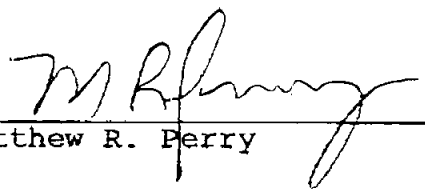
1. Fined \$500 per count (6 counts) in the Petition for a total of \$3,000 to be paid as follows:
\$1000 per year commencing with the date of this Agreed Order to be paid at the end of the third year.
2. Place on Five years probation from the signing of this Agreed Order.
3. May not be Pharmacist in Charge at any pharmacy except at Charter Wichita Behavioral

Health System, Inc., where he is presently
Pharmacist in Charge.

Dated this _____ day of _____, 1997.


Karla Kneebone
President and Presiding Officer
State Board of Pharmacy
for the State of Kansas

I, Matthew R. Perry, have hereby read the foregoing
Stipulation and Agreed Order and fully understand the
violations to which I am stipulating to and understand
the terms of the Stipulation.



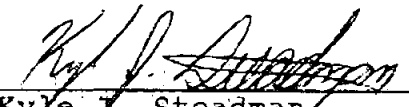
Matthew R. Perry

PREPARED BY:



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