

**BEFORE THE KANSAS BOARD OF PHARMACY**

Filed By  
MAR 07 2016  
KANSAS STATE  
BOARD OF PHARMACY

In the Matter of

WILLIAM L. POLLARD  
Kansas License No. 1-12224

Case No. 09-58  
OAH No. 15BP0026

**FINAL AGENCY ORDER**

This matter comes before the Kansas Board of Pharmacy (Board) upon the Petition to Revoke, Suspend or Otherwise Limit Licensure regarding the license of William L. Pollard, R.Ph. to practice pharmacy.

**Findings of Fact**

William L. Pollard holds a license to practice pharmacy in the state of Kansas.

On or about December 8, 2008, January 8, 2009, January 16, 2009, and January 26, 2009, Mr. Pollard tested positive for prescription drugs for which he did not have valid prescriptions. Specifically, Mr. Pollard tested positive for methadone, which is a controlled substance.

On July 15, 2009, Mr. Pollard admitted to diversion of methadone tablets from his employer, CVS Pharmacy.

On or about October 26, 2009, Mr. Pollard's Missouri pharmacist license was revoked.

Subsequently, an Emergency Order was entered suspending Mr. Pollard's pharmacist license in Kansas.

Thereafter, a disciplinary petition was filed by the Board. A hearing was conducted before the Board on March 10, 2010.

During the hearing, Mr. Pollard admitted to the diversion of drugs and that his Missouri license had been revoked. Based on Mr. Pollard's admission and the fact that his Missouri license had been revoked, the Board suspended Mr. Pollard's license to practice pharmacy in Kansas.

Mr. Pollard was ordered by the Board to immediately enter into and participate in the Committee on Impaired Provider Practice (CIPP) and to fully cooperate with the recommendations and requirements of the persons managing or implementing the CIPP Program, the recommendations and requirements of the persons managing or implementing the evaluation and treatment programs recommended or required by the CIPP Program, and the further requirements of the Board. The Board further ordered Mr. Pollard to undergo random drug screens and to appear before the Board at their meeting on June 10, 2010, for further evaluation by the Board.

On March 10, 2010, Mr. Pollard signed a Statement of Understanding with CIPP in which he agreed to "[n]ot use any mood altering drugs of addiction, including alcohol..."

A Final Agency Order memorializing the Board's ruling was issued on April 23, 2010.

On June 10, 2010, Mr. Pollard appeared at the Board's meeting. The Board found that the April 23, 2010 Final Agency Order should be modified by removing the

suspension of Mr. Pollard's Kansas license to practice pharmacy while leaving all other aspects of the order unchanged.

On or about July 25, 2014, an Agency Order was entered which modified the April 23, 2010 Final Agency Order removing the suspension of Mr. Pollard's Kansas license to practice pharmacy. The Order also stated that all other aspects of the April 23, 2010 Final Agency Order including but not limited to the requirement that Mr. Pollard remain in full compliance of his CIPP agreement, shall remain unchanged.

On January 20, 2015, Debra Billingsley, Executive Director of the Board at the time, received a letter from the CIPP Administrator advising that Mr. Pollard had relapsed by testing positive for alcohol consumption on December 19, 2014. This result was confirmed by a PEth test that was administered on January 2, 2015.

On February 4, 2015, Mr. Pollard was notified in writing by the CIPP Administrator that because of his positive drug screens, he would have to be reevaluated and would have to sign a new statement of understanding. Mr. Pollard failed to be reevaluated and failed to sign the new statement of understanding.

Additionally, on March 17, 2015, Mr. Pollard failed to cooperate with the program for the collection of urine samples for drug screens.

As such, the Board determined that Mr. Pollard had violated the terms of the prior orders, thus resulting in the issuance of the Petition.

On June 8, 2015, the Board received a letter from Sara Rust-Martin, Director of Operations for the Kansas Pharmacists Association, advising that Mr. Pollard had ten

positive drug screen results between January 1, 2015 and June 8, 2015. In addition, Mr. Pollard had failed to call in as required on seven dates.

On June 15, 2015, notice was sent to Mr. Pollard by the Board advising that a show cause hearing regarding his compliance with the Final Agency Order was scheduled for July 17, 2015.

On July 17, 2015, a show cause hearing was held before the Board regarding Mr. Pollard's lack of compliance with the Final Agency Order filed on April 23, 2010. Mr. Pollard did not appear, notwithstanding notice was sent to him and was not returned as undeliverable. After hearing the evidence, the Board entered an Emergency Order suspending Mr. Pollard's license to practice pharmacy.

On July 21, 2015, the Board issued its Petition to Revoke, Suspend, or Otherwise Limit Licensure (Petition) of Mr. Pollard to practice pharmacy.

On July 29, 2015, notice was sent to Mr. Pollard advising him that an administrative hearing before the Board was scheduled for November 5, 2015. The notice was not returned as undeliverable.

On August 3, 2015, a Notice of Prehearing Conference was sent to Mr. Pollard, scheduling a prehearing conference for August 20, 2015.

On August 20, 2015, the prehearing conference was held. Randy J. Forbes, counsel for the Kansas Board of Pharmacy, appeared. Mr. Pollard did not appear notwithstanding notice was sent to him and was not returned as undeliverable.

A Prehearing Order was issued noting that Mr. Pollard had failed to appear and also advising that the hearing on the Petition would proceed as scheduled on November 5, 2015.

On November 5, 2015, Mr. Pollard did not appear. Therefore, Mr. Pollard was in default.

On February 5, 2016, the Board found that Mr. Pollard's license to practice pharmacy in Kansas should be revoked.

**Conclusions of Law**  
**and**  
**Discussion**

K.S.A. 65-1627(a)(12) provides that the Board may revoke, suspend, place in probationary status or deny a renewal of any license of any pharmacist upon a finding that the licensee has had a license to practice pharmacy revoked, suspended or otherwise limited by the proper licensing authority of another state. Mr. Pollard's Missouri license to practice pharmacy has been revoked, therefore, the Board is authorized on this basis alone to revoke Mr. Pollard's Kansas license.

K.S.A. 65-1627(a)(13) provides that the Board may revoke, suspend, place in probationary status or deny a renewal of any license of any pharmacist upon a finding that the licensee has self-administered any controlled substance without a practitioner's prescription or a mid-level practitioner's order. Mr. Pollard admitted to self-administering a controlled substance without a practitioner's prescription order.

The Board finds that Mr. Pollard's conduct, as described above, violates the above-referenced provisions of the pharmacy act and regulations promulgated and is

grounds for disciplinary action against his license. This includes his failure to comply with the previous Final Agency Order wherein he failed to abstain from the use of mood-altering drugs of addiction including alcohol. Mr. Pollard also failed to cooperate with the CIPP Program and thus, was in violation of the 2010 Order and the 2014 Order.

Mr. Pollard failed to appear at the show cause hearing and the hearing on the Petition.

Based on the foregoing, the Board revokes the license of William L. Pollard to practice pharmacy in the state of Kansas.

In addition, the costs of this proceeding are assessed against the licensee pursuant to K.S.A. 65-1627h. The amount of costs is \$1,783.00 and shall be paid to the Kansas State Board of Pharmacy, 800 SW Jackson, Ste. 1414, Topeka, KS 66612-1244, by April 1, 2016.

**IT IS SO ORDERED.**

Dated this 4<sup>th</sup> day of March, 2016.



Chad Ullom, R.Ph.  
President, Kansas Board of Pharmacy

## NOTICES

This is a Final Order, and becomes effective upon service.

**Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration pursuant to K.S.A. 77-529.

Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court as authorized by K.S.A. 77-613. Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed **within thirty (30) days** following service of the Final Order.

A copy of any petition for judicial review must be served upon the Kansas Board of Pharmacy. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi, Executive Secretary  
Kansas State Board of Pharmacy  
800 SW Jackson #1414  
Topeka, KS 66612-1244

CERTIFICATE OF SERVICE

On March 7, 2016, I mailed a copy of this document  
to:

William L. Pollard  
4007 Roanoke Road, #2N  
Kansas City, MO 64111

Randall J. Forbes  
Frieden, Unrein & Forbes  
1414 SW Ashworth Pl., Ste. 201  
Topeka, KS 66604

Alexandra Blasi  
Executive Secretary  
Kansas Board of Pharmacy  
800 SW Jackson, Ste. 1414  
Topeka, KS 66612-1244

  
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Staff Person