

BEFORE THE KANSAS BOARD OF PHARMACY

Filed

OCT 27 2009

KANSAS STATE Board of Pharmacy

In the Matter of)
)
William L. Pollard, R.Ph.)
Kansas License No. 1-12224)

Case No. 09-58

EMERGENCY AGENCY ORDER

William L. Pollard, Jr., R.Ph. (the "Respondent"), is currently authorized to practice pharmacy in the State of Kansas by reason of the Kansas Board of Pharmacy (the "Board") having issued him License No. 1-12224.

However, it has come to the attention of the Board's Investigation Member that the Respondent has diverted controlled substances from his employer and has had discipline against his license to practice pharmacy in the state of Missouri.

After considering the foregoing, the Board's Investigation Member, in accordance with the authority granted to her by the Board, enters the following emergency agency order, pursuant to K.S.A. 77-536 and K.S.A. 65-1627(c).

I. FINDINGS OF FACT

For purposes of this order, the Board's Investigation Member makes the following findings of fact:

1. The Board has previously issued Respondent license number 1-12224, which entitled him to practice pharmacy in the State of Kansas ("Respondent's License").

2. On or about July 17, 2009, the Board received notice from Respondent's employer that Respondent had been caught diverting controlled substances, 360 tablets of Methadone 10mg and 50 tablets of Phentermine 37.5mg. The notice indicates that Respondent was interviewed and admitted to the diversion.

3. On or about August 10, 2009, the disciplinary counsel for the Board wrote to Respondent with an offer of a voluntary consent order not to practice until further order of the Board. Respondent has not replied to the offer and has not indicated he would not practice pharmacy until further order of the Board.

4. At all times relevant hereto, Respondent's Missouri license has been on probation for five years beginning on 11/20/2008 and ending on 11/19/2013 for consuming controlled substances for which he did not have a valid prescription in 2005, and taking and consuming controlled substances from an employer for which he did not have a valid prescription in 2006.

II. CONCLUSIONS OF LAW AND FACT

For purposes of this order, the Board's Investigation Member makes the following conclusions of law and fact:

1. Respondent's continuation in the practice of pharmacy would constitute an immediate danger to the public health and safety or welfare. The least restrictive way to prevent or avoid the immediate danger Respondent poses to the public health, safety, and welfare is to suspend Respondent's License.

2. There is cause to believe the acts committed by Respondent could form the basis for discipline of Respondent's License pursuant to various provisions of the Pharmacy Act, including K.S.A. 65-1627(a)(3), as further defined by K.S.A. 65-1626(rr)(5), and K.S.A. 65-1627(a)(12).

III. EMERGENCY ORDER

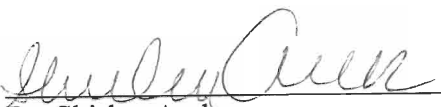
Pursuant to K.S.A. 77-536 and K.S.A. 65-1627(c), and based upon the foregoing findings and conclusions, Respondent's License is hereby suspended until further order of the Board, effective immediately.

Within fifteen (15) days after service of this Emergency 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 Emergency 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, Room 560
Topeka, KS 66612-1231

IT IS SO ORDERED.



Dr. Shirley Arck
Investigation Member

10/21/09


Date

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 27 day of October, 2009, deposit in the United States mail, postage prepaid, a copy of the foregoing **EMERGENCY AGENCY ORDER**, properly addressed to the following:

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

William L. Pollard, Jr., R.Ph.
P.O. Box 10122
Kansas City, MO 64111



Debra Billingsley
Executive Director
Kansas Board of Pharmacy