

Marty M. Snyder, S. Ct. #11317  
Office of Attorney General Phill Kline  
120 SW 10<sup>th</sup> St., Third Floor  
Topeka, KS 66612  
(785) 296-2215

**Received**  
MAR 09 2004  
Kansas State  
Board of Pharmacy

**BEFORE THE KANSAS BOARD OF PHARMACY**

IN THE MATTER )  
 )  
OF )  
 )  
NANCY T. PROHASKA, R.Ph. )  
LICENSE # 10123, Respondent )  
\_\_\_\_\_ )

Case No: 03-35

**CONSENT AGREEMENT AND ORDER**

The Kansas Board of Pharmacy through its authorized representative Frank Whitchurch and Nancy T. Prohaska, Licensee, hereby enter the following Consent Agreement this 9<sup>th</sup> day of March, 2004.

WITNESSETH:

WHEREAS, Nancy T. Prohaska, (Licensee) is properly licensed as a pharmacist pursuant to the Kansas Pharmacy Act, K.S.A. 65-1625 *et seq.*, having been issued license number 10123 which expires June 30, 2005; and

WHEREAS, the Kansas Pharmacy Board (Board) is a state agency empowered to enforce the Kansas Pharmacy Act, K.S.A. 65-1625 *et seq.*, including the use of disciplinary actions to suspend, revoke or otherwise limit the licenses of Kansas pharmacists who

violate the Act; and

WHEREAS, the parties stipulate that on or about August 1, 2003, at Reynolds Drug in Atchison, Kansas, a prescription labeled Zantac syrup was dispensed to a customer but was subsequently determined to be Zyrtec syrup; and

WHEREAS, on that date and at that location, Licensee was the Pharmacist in Charge; and

WHEREAS, Licensee failed to write an incident report documenting the error until after Board compliance officers went to Reynolds Drug to investigate a consumer complaint about the error; and

WHEREAS, the above facts state violations of K.A.R.s 68-7-12(c)(2) and 68-7-12b(b); and

WHEREAS, Licensee and the Board mutually desire to enter this Consent Agreement and Order in lieu of formal adjudicative proceedings pursuant to the Kansas Administrative Procedure Act to resolve the report of alleged violations.

WHEREFORE, for good and valuable consideration, the Licensee and the Board agree as follows:

1. Licensee shall pay to the Kansas Board of Pharmacy an administrative fine of Five Hundred Dollars (\$500.00) within ten (10) days of the date of the Final Order; and

2. Licensee shall implement procedures at Reynolds Drug to prevent further similar prescription errors. To wit, these procedures shall contain a NDC code verification check on all new and refill prescriptions. The NDC verifying process shall be done electronically or manually. Said procedures shall be in place within fifteen (15) days of the date of the

Final Order. The Board shall verify the NDC verification process is being followed and will inspect Reynolds Drug twice a year until further Order of the Board.

IN WITNESS WHEREOF the parties have caused this Consent Agreement and Order to be executed the day and year first above written.

APPROVED AND ADOPTED BY:

\_\_\_\_\_  
Frank Whitchurch  
Investigative Member  
For Petitioner Board of Pharmacy

\_\_\_\_\_  
Date

APPROVED AND ADOPTED BY:

\_\_\_\_\_  
Nancy T. Prohaska, Licensee

3-9-04  
\_\_\_\_\_  
Date

BEFORE THE STATE BOARD OF PHARMACY  
900 SW Jackson, Ste. 560  
Topeka, Kansas 66612-1231  
(785) 296-4056

IN THE MATTER OF )  
 )  
NANCY T. PROHASKA )  
Registered Pharmacist )  
#1-10123 )  
\_\_\_\_\_ )

Case No. 03-35

**FINAL ORDER**

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

ENTERED AND EFFECTIVE THIS 14 day of March 2004.

KANSAS BOARD OF PHARMACY

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By:

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Michael R. Hurst, R.Ph.  
President

**CERTIFICATE OF MAILING**

I do hereby certify that a true and correct copy of the above and foregoing CONSENT AGREEMENT AND ORDER and FINAL ORDER was mailed on the 15 day of March and sent by U.S. mail, postage prepaid to

the following persons:

Nancy T. Prohaska  
1501 Country Club Road  
Atchison, KS 66002

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Debra L. Billingsley ' /  
Executive Director